No. 14-981

IN THE

# Supreme Court of the United States

SEP - 3 2015
OFFICE OF THE CLERK

ABIGAIL NOEL FISHER,

*Petitioner,*

*v.*

UNIVERSITY OF TEXAS AT AUSTIN, *et al.*,

*Respondents.*

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

## JOINT APPENDIX

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PETITION FOR CERTIORARI FILED FEBRUARY 10, 2015
CERTIORARI GRANTED JUNE 29, 2015

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The following opinions and orders have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the Petition for Certiorari:

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Order of the United States Court of Appeals for the Fifth Circuit, Dated July 15, 2015.....App. 91a

Order Denying Petition for Rehearing en banc of the United States Court of Appeals for the Fifth Circuit, Dated November 12, 2014 ..... App. 94a

Opinion of the Supreme Court of the United States, Dated June 24, 2013..... App. 99a

Opinion of the United States Court of Appeals for the Fifth Circuit, Dated January 18, 2011.....App. 147a

Opinion and Order of the United States District Court for the Western District of Texas, Austin Division, Dated August 17, 2009..... App. 261a

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**United States Court of Appeals for the Fifth Circuit**
**Court of Appeals Docket #: 09-50822**

ABIGAIL NOEL FISHER; RACHEL MULTER MICHALEWICZ,

Plaintiffs - Appellants

v.

UNIVERSITY OF TEXAS AT AUSTIN; DAVID B. PRYOR, Executive Vice Chancellor for Academic Affairs in His Official Capacity; WILLIAM POWERS, JR., President of the University of Texas at Austin in His Official Capacity; BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM; R. STEVEN HICKS, as Member of the Board of Regents in His Official Capacity; WILLIAM EUGENE POWELL, as Member of the Board of Regents in His Official Capacity; JAMES R. HUFFINES, as Member of the Board of Regents in His Official Capacity; JANIECE LONGORIA, as Member of the Board of Regents in Her Official Capacity; COLLEEN MCHUGH, as Member of the Board of Regents in Her Official Capacity; ROBERT L. STILLWELL, as Member of the Board of Regents in His Official Capacity; JAMES D. DANNENBAUM, as Member of the Board of Regents in His Official Capacity; PAUL FOSTER, as Member of the Board of Regents in His Official Capacity; PRINTICE L. GARY, as Member of the Board of Regents in His Official Capacity; KEDRA ISHOP, Vice Provost and Director of Undergraduate Admissions in

*Appendix A*

Her Official Capacity; FRANCISCO G. CIGARROA, M.D., Interim Chancellor of the University of Texas System in His Official Capacity,

Defendants – Appellees

| Date Filed | Docket Text |
|---|---|
| 09/18/2009 | CIVIL RIGHTS CASE docketed. NOA filed by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz [09-50822] (RFP) |
| | * * * |
| 12/21/2009 | APPELLANT'S BRIEF FILED by Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. Date of service: 12/21/2009 via email - Attorney for Appellee(s): Ho, Hughes [09-50822] REVIEWED AND/OR EDITED. APPELLANT'S BRIEF FILED by Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. # of Copies Provided: 0 A/Pet's Brief deadline satisfied. Paper Copies of Brief due on 01/05/2010 for Appellant Abigail Noel Fisher and Appellant Rachel Multer Michalewicz. Appellee's Brief due on 01/20/2010 for Appellee Board of Regents of the University of Texas System, Appellee Francisco G Cigarro, Appellee James D Dannenbaum, Appellee Paul Foster, |

Appellee Printice L Gary, Appellee R Steven Hicks, Appellee James R Huffines, Appellee Kedra Ishop, Appellee Janiece Longoria, Appellee Colleen McHugh, Appellee William Eugene Powell, Appellee William Powers Jr., Appellee David B Pryor, Appellee Robert L Stillwell and Appellee University of Texas at Austin [09-50822] (Claire Evans)

12/21/2009 RECORD EXCERPTS FILED by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. Date of service: 12/21/2009 via email - Attorney for Appellee(s): Ho, Hughes; [09-50822] REVIEWED AND/OR EDITED. RECORD EXCERPTS FILED by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. # of Copies Provided: 0 Paper Copies of Record Excerpts due on 01/05/2010 for Appellant Abigail Noel Fisher and Appellant Rachel Multer Michalewicz. [09-50822] (Claire Evans)

* * *

12/29/2009 AMICUS CURIAE BRIEF FILED by The Asian American Legal Foundation. The Consent is Included in the Brief Brief NOT Sufficient as it requires an Appearance Form from counsel signing

the brief. # of Copies Provided: 7 Sufficient Brief due on 01/12/2010 for Amicus Curiae The Asian American Legal Foundation. [09-50822] (RFP)

* * *

12/29/2009 AMICUS CURIAE BRIEF FILED by Mountain States Legal Foundation. The Consent is Included in the Brief Brief NOT Sufficient as it requires an Appearance Form from counsel signing the brief. # of Copies Provided: 7 Sufficient Brief due on 01/12/2010 for Amicus Curiae Mountain States Legal Foundation. [09-50822] (RFP)

* * *

12/29/2009 AMICUS CURIAE BRIEF FILED by American Civil Rights Institute, Center for Equal Opportunity, National Association of Scholars and Pacific Legal Foundation. The Consent is Included in the Brief Brief NOT Sufficient as it requires an Appearance Form from counsel signing the brief. # of Copies Provided: 7 Sufficient Brief due on 01/12/2010 for Amicus Curiae American Civil Rights Institute, Amicus Curiae Center for Equal Opportunity, Amicus Curiae National Association of Scholars and Amicus Curiae Pacific Legal Foundation. [09-50822] (RFP)

*Appendix A*

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| 03/08/2010 | APPELLEE'S BRIEF FILED by Board of Regents of the University of Texas System, Mr. Francisco G Cigarro, MD, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B Pryor, Mr. Robert L Stillwell and University of Texas at Austin. # of Copies Provided: 7 E/Res's Brief deadline satisfied. Reply Brief due on 03/25/2010 for Appellant Abigail Noel Fisher and Appellant Rachel Multer Michalewicz [09-50822] (RFP) |

* * *

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| 03/12/2010 | AMICUS CURIAE BRIEF FILED by United States. Date of service: 03/12/2010 via US mail - Attorney for Amicus Curiae(s): Detamore, Fauth, Keller; Attorney for Appellant(s): McCarthy, Rein; email - Attorney for Amicus Curiae: Sandefur; Attorney for Appellant(s): Evans, Terrill; Attorney for Appellee(s): Ho, Hughes [09-50822] REVIEWED AND/OR EDITED. AMICUS CURIAE BRIEF FILED by USA. Consent is Not Necessary as Amicus is a Government |

Entity. # of Copies Provided: 0 Paper Copies of Brief due on 03/22/2010 for Amicus Curiae United States of America. [09-50822] (Diana Katherine Flynn)

03/12/2010 AMICUS CURIAE BRIEF FILED by Texas League of United Latin American Citizens. Date of service: 03/12/2010 via email - Attorney for Amicus Curiae(s): Detamore, Fauth, Keller, Sandefur; Attorney for Appellant(s): Evans, McCarthy, Rein, Terrill; Attorney for Appellee(s): Ho, Hughes [09-50822] REVIEWED AND/OR EDITED. AMICUS CURIAE BRIEF FILED by Texas League of United Latin American Citizens. The Consent is Included in the Brief. # of Copies Provided: 0 Paper Copies of Brief due on 03/19/2010 for Amicus Curiae Texas League of United Latin American Citizens. [09-50822] (Sri Srinivasan)

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03/12/2010 AMICUS CURIAE BRIEF FILED by Racial Justice Project and New York Law School. The Consent is Included in the Brief. # of Copies Provided: 7 [09-50822] (RFP)

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*Appendix A*

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| 03/12/2010 | AMICUS CURIAE BRIEF FILED by Asian American Institute, Asian American Justice Center, Asian Law Caucus and Asian Pacific American Legal Center. The Consent is Included in the Brief Brief NOT Sufficient as it requires an Appearance Form from counsel signing the brief. Appearance form being processed. # of Copies Provided: 7 Sufficient Brief due on 03/26/2010 for Amicus Curiae Asian American Institute, Amicus Curiae Asian American Justice Center, Amicus Curiae Asian Law Caucus and Amicus Curiae Asian Pacific American Legal Center. [09-50822] (RFP) |
| | * * * |
| 03/15/2010 | AMICUS CURIAE BRIEF FILED by NAACP Legal Defense & Educational Fund, Inc. and Black Student Alliance at the University of Texas at Austin. The Consent is Included in the Brief. # of Copies Provided: 7 [09-50822] (RFP) |
| | * * * |
| 03/15/2010 | AMICUS CURIAE BRIEF FILED by American Association of Community Colleges, American Association of State Colleges and Universities, AAUP, American Council of Education, American |

*Appendix A*

Dental Education Association, Hispanic Association of Colleges and Universities, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, The American College Personnel Association, The Association of American Colleges and Universities, The Association of American Medical Colleges, The Association of American Universities, The Association of Public and Land-Grant Universities and The Association of Research Libraries. The Consent is Included in the Brief Brief NOT Sufficient as it requires an Appearance Form from counsel signing the brief (being processed). # of Copies Provided: 7 Sufficient Brief due on 03/29/2010 for Amicus Curiae American Association of Community Colleges, Amicus Curiae American Association of State Colleges and Universities, Amicus Curiae American Association of University Professors, Amicus Curiae American Council of Education, Amicus Curiae American Dental Education Association, Amicus Curiae Hispanic Association of Colleges and Universities, Amicus Curiae National Association of College and University Business Officers, Amicus Curiae National Association of Independent Colleges and Universities, Amicus Curiae The American

College Personnel Association, Amicus Curiae The Association of American Colleges and Universities, Amicus Curiae The Association of American Medical Colleges, Amicus Curiae The Association of American Universities, Amicus Curiae The Association of Public and Land-Grant Universities and Amicus Curiae The Association of Research Libraries. [09-50822] (RFP)

* * *

03/25/2010 APPELLANT'S REPLY BRIEF FILED by Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. Date of service: 03/25/2010 via email - Attorney for Appellee(s): Ho, Hughes [09-50822] REVIEWED AND/OR EDITED. APPELLANT'S REPLY BRIEF FILED by Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz. # of Copies Provided: 0 Reply Brief deadline satisfied. Paper Copies of Brief due on 03/30/2010 for Appellant Abigail Noel Fisher and Appellant Rachel Multer Michalewicz. [09-50822] (Claire Evans)

* * *

07/16/2010 UNOPPOSED MOTION filed by Amici Curiae Black Student Alliance at the

University of Texas at Austin and NAACP Legal Defense & Educational Fund, Inc. to participate in oral argument [6583822-2]. Date of service: 07/16/2010 via email - Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Terrill; Attorney for Appellee(s): Ho, Hughes; US mail - Attorney for Amicus Curiae(s): Eng, Fauth, Fox; Attorney for Appellant: Rein [09-50822] (Joshua I. Civin)

07/19/2010 COURT ORDER granting unopposed motion to participate in oral argument using five minutes of appellees' allotted time filed by Amici Curiae Black Student Alliance at the University of Texas at Austin and NAACP Legal Defense & Educational Fund, Inc. [6583822-2] [09-50822] (VLB)

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01/18/2011 PUBLISHED OPINION FILED. [09-50822 Affirmed] Judge: CDK, Judge: PEH, Judge: EMG. Mandate pull date is 02/08/2011 [09-50822] (JRS)

*Appendix A*

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| 01/18/2011 | JUDGMENT ENTERED AND FILED. [09-50822] (JRS) |
| 02/01/2011 | PETITION filed by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz for rehearing en banc [6729784-2]. Date of Service: 02/01/2011 via email - Attorney for (null) (s): Hughes, Mitchell; Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Eng, Fauth, Flynn, Fox, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Rein, Terrill [09-50822] REVIEWED AND/OR EDITED. PETITION filed by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz for rehearing en banc [6729784-2] Number of Copies:0. Mandate pull date canceled. Paper Copies of Rehearing due on 02/07/2011 for Appellant Abigail Noel Fisher and Appellant Rachel Multer Michalewicz. Date of Service: 02/01/2011 [09-50822] (Claire Evans) |
| 02/01/2011 | COURT DIRECTIVE ISSUED requesting a response Response/Opposition to the petition for rehearing en banc filed by appellants and due on 02/11/2011. [09-50822] (POK) |

*Appendix A*

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| 02/01/2011 | REVISED PUBLISHED OPINION FILED. [6719099-2] [09-50822] (DTG) |
| | * * * |
| 02/02/2011 | UNOPPOSED MOTION filed by Appellees Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, M.D., Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin to extend the time to file a response to the petition for rehearing en banc [6729784-2] filed by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz in 09-50822 until 02/22/2011 at 11:00 pm [6731720-2]. Date of service: 02/02/2011 via email - Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Eng, Fauth, Flynn, Fox, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellee(s): Ho, Hughes, Mitchell [09-50822] (Joseph David Hughes) |

*Appendix A*

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| 02/03/2011 | COURT ORDER granting motion to extend time to file a response filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor, Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro, M.D. [6731720-2] Judge(s): PEH. [09-50822] (RFP) |
| | * * * |
| 02/07/2011 | UNOPPOSED MOTION by Mountain States Legal Foundation to file amicus brief [6735114-2] Date of service: 02/07/2011 via email - Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Terrill; Attorney for Appellee(s): Ho, Hughes, Mitchell; US mail - Attorney for Amicus Curiae(s): Eng, Fauth, Fox; Attorney for Appellant: Rein [09-50822] (James Scott Detamore) |

*Appendix A*

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|---|---|
| 02/09/2011 | UNOPPOSED MOTION filed by Amicus Curiae Asian American Legal Foundation for leave to file amicus brief in support of petitoin for rehearing en banc [6736497-2]. Date of service: 02/09/2011 via email - Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Terrill; Attorney for Appellee(s): Ho, Hughes, Mitchell; US mail - Attorney for Amicus Curiae(s): Eng, Fauth, Fox; Attorney for Appellant: Rein [09-50822] (Ashley C. Keller) |

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| 02/22/2011 | RESPONSE/OPPOSITION filed by Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, M.D., Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin [6747003-1] to the petition for rehearing en banc filed by Appellants |

Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz in 09-50822 [6729784-2] Date of Service: 02/22/2011 via email Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Eng, Fauth, Flynn, Fox, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellee(s): Ho, Hughes, Mitchell. [09-50822] (Jonathan F. Mitchell)

* * *

03/01/2011 UNOPPOSED MOTION by The Black Student Alliance at the University of Texas at Austin and the NAACP Legal Defense & Educational Fund, Inc. to file amicus brief [6753126-2] Date of service: 03/01/2011 via email - Attorney for Amicus Curiae(s): Adegbile, Archer, Bhargava, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Liu, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellant(s): Consovoy, Evans, McCarthy, Terrill; Attorney for Appellee(s): Ho, Hughes, Mitchell; US mail - Attorney for Amicus Curiae(s): Eng, Fauth, Fox; Attorney for Appellant: Rein [09-50822] (Joshua I. Civin)

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| 03/04/2011 | COURT ORDER granting motion to file amicus brief filed by Amicus Curiae Asian American Legal Foundation [6736497-2], granting motion to file amicus brief by The Black Student Alliance @ the University of TX and NAACP [6753126-2], granting motion to file amicus brief by Mountain States Legal Foundation [6735114-2] Judge(s): PEH. [09-50822] (RFP) |
| 03/04/2011 | AMICUS CURIAE BRIEF FILED by Mountain States Legal Foundation. Consent is Not Necessary a Motion has been Granted. # of Copies Provided: 0 Paper Copies of Brief due on 03/11/2011 for Amicus Curiae Mountain States Legal Foundation. [09-50822] (RFP) |
| 03/04/2011 | AMICUS CURIAE BRIEF FILED by Asian American Legal Foundation. Consent is Not Necessary a Motion has been Granted. # of Copies Provided: 0 Paper Copies of Brief due on 03/09/2011 for Amicus Curiae Asian American Legal Foundation. [09-50822] (RFP) |
| 03/04/2011 | AMICUS CURIAE BRIEF FILED by Black Student Alliance at the University of Texas at Austin and NAACP Legal Defense & Educational Fund, Inc. Consent is Not Necessary a Motion has been Granted. # of Copies Provided: 20 [09-50822] (RFP) |

*Appendix A*

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| 06/17/2011 | COURT ORDER denying petition for rehearing en banc filed by Appellants Ms. Abigail Noel Fisher and Ms. Rachel Multer Michalewicz [6729784-2] With Poll (IN DETAIL)(EHJ, with EGJ,JES,EBC, PRO JOIN DISSENTS). [09-50822] (RMF) |
| 06/17/2011 | MANDATE ISSUED FORTHWITH. [09-50822] (NFD) |
| 09/20/2011 | SUPREME COURT NOTICE that petition for writ of certiorari [6907928-2] was filed by Appellant Ms. Abigail Noel Fisher on 09/15/2011. Supreme Court Number: 11-345. [09-50822] (LGL) |
| 02/22/2012 | SUPREME COURT ORDER received granting petition for writ of certiorari filed by Appellant Ms. Abigail Noel Fisher in 09-50822 on 02/21/2012. [7021042-1] [09-50822] (LGL) |
| 07/25/2012 | RECORD ON APPEAL REQUESTED from the district court for the Supreme Court. The entire record on appeal (Envelope 1; Box: 1; Pleadings: 9; Transcripts: 3) was requested. [09-50822] (MVM) |

*Appendix A*

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| 07/25/2012 | CERTIFIED RECORD ON APPEAL TRANSMITTED to United States Supreme Court on 07/25/2012. 5th Circuit Volumes Transmitted: 2. [09-50822] (MVM) |
| | * * * |
| 06/24/2013 | SUPREME COURT OPINION filed on 06/24/2013. Merits Ruling: Vacated/ Remanded. Supreme Court Judgment due on 07/24/2013 [09-50822] (MCS) |
| | * * * |
| 07/23/2013 | OPPOSED MOTION filed by Appellees Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin to remand case to the United States District Court for the Western District of Texas. Date of service: 07/23/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, |

Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Terrill; Attorney for Appellees: Garre, Ho, Hughes, Mahoney, Mitchell; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox; Attorney for Appellant: Rein [09-50822] (Gregory George Garre)

07/24/2013 RESPONSE/OPPOSITION filed by Ms. Abigail Noel Fisher [7418855-1] to the motion to remand case filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor, Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro in 09-50822 [7417820-2] Date of Service: 07/24/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Hughes, Mahoney, Mitchell; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox; Attorney for Appellant:

Rein. [09-50822] REVIEWED AND/OR EDITED. RESPONSE/OPPOSITION [7418855-1] INCORPORATED MOTION to file supplemental briefs [7418855-3] Supplemental Briefs Included? No [09-50822] (William Consovoy)

07/26/2013 SUPREME COURT JUDGMENT filed on 06/24/2013 remanding case to the 5th Circuit [09-50822] (MCS)

07/29/2013 REPLY filed by Appellees Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin [7422105-1] to the response/opposition filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7418855-2], to the motion to remand case filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7417820]. Date of Service: 07/29/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants:

Consovoy, Evans, McCarthy, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Hughes, Mahoney, Mitchell; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox; Attorney for Appellant: Rein. [09-50822] REVIEWED AND/OR EDITED. REPLY filed by [7422105-1] (Gregory George Garre)

07/29/2013 RESPONSE/OPPOSITION filed by Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin [7425130-1] to the motion to file supplemental briefs filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7418855-3] Date of Service: 07/29/2013. [09-50822] (Incorporated in reply to motion to remand) (MCS)

08/01/2013 REPLY filed by Appellant Ms. Abigail Noel Fisher [7425041-1], to the response/opposition filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor,

Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro in 09-50822 [7425130-2], to the motion to file supplemental briefs filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7418855-3]. Date of Service: 08/01/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Hughes, Mahoney, Mitchell; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox; Attorney for Appellant: Rein. [09-50822] REVIEWED AND/OR EDITED. REPLY (William Consovoy)

* * *

08/02/2013 MOTION filed by Appellees Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra

Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin to strike reply to resp.opp filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7425041-2] [7426612-2]. Date of service: 08/02/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox [09-50822] (Gregory George Garre)

08/05/2013 RESPONSE/OPPOSITION filed by Ms. Abigail Noel Fisher [7427097-1] to the motion to strike document filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor, Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro in 09-50822 [7426612-2] Date of Service:

08/05/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Civin, Detamore, Flynn, Hacker, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox. [09-50822] (Bert Walter Rein)

* * *

09/12/2013 COURT DIRECTIVE ISSUED requesting supplemental briefing [7455742-2] A/Pet Supplemental Brief due on 10/04/2013 for Appellant Abigail Noel Fisher. E/Res Supplemental Brief due on 10/25/2013 for Appellees Board of Regents of the University of Texas System, Francisco G. Cigarro, James D. Dannenbaum, Paul Foster, Printice L. Gary, R. Steven Hicks, James R. Huffines, Kedra Ishop, Janiece Longoria, Colleen McHugh, William Eugene Powell, William Powers Jr., David B. Pryor, Robert L. Stillwell and University of Texas at Austin. Supplemental Reply Brief due on 11/08/2013 for Appellant Abigail Noel Fisher. [09-50822] (MCS)

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|---|---|
| 10/04/2013 | APPELLANT'S SUPPLEMENTAL BRIEF FILED by Ms. Abigail Noel Fisher. Date of service: 10/04/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Flynn, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox [09-50822] REVIEWED AND/OR EDITED. # of Copies Provided: 0 A/Pet's Supplemental Brief deadline satisfied. Paper Copies of Brief due on 10/15/2013 for Appellant Abigail Noel Fisher. [09-50822] (Bert Walter Rein) |

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| 10/10/2013 | DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken on the Motion for Leave to File Amici Brief received from Amici Curiae Mr. Todd Gaziano, Mr. Gail Heriot and Mr. Peter Kirsanow because it is unnecessary - there is consent of the parties [09-50822] (CNF) |
| 10/11/2013 | AMICUS CURIAE BRIEF FILED by The Cato Institute. Date of service: 10/11/2013 via email Attorney for Amici |

Curiae: Archer, Civin, Detamore, Fauth, Flynn, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail Attorney for Amici Curiae: Eng, Fauth, Fox [09-50822] REVIEWED AND/OR EDITED.
AMICUS CURIAE BRIEF FILED by Cato Institute.
The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 10/16/2013 for Amicus Curiae Cato Institute. [09-50822] (Andrew M. Grossman)

* * *

10/11/2013 AMICUS CURIAE BRIEF FILED by Asian American Legal Foundation and 80-20 National Asian-American Educational Foundation. *October 11, 2013* Date of service: 10/11/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Srinivasan, Su, Thome; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae:

Eng, Fox [09-50822] REVIEWED AND/OR EDITED.
AMICUS CURIAE BRIEF FILED by 80-20 National Asian-American Educational Foundation and Asian American Legal Foundation.
The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 10/21/2013 for Amici Curiae 80-20 National Asian-American Educational Foundation and Asian American Legal Foundation. [09-50822] (Gordon Morris Fauth Jr.)

10/11/2013 DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken on the unfiled motion to file amicus brief received from Amici Curiae American Civil Rights Institute, Center for Equal Opportunity, Individual Rights Foundation, National Association of Scholars, Pacific Legal Foundation, Project 21 and Reason Foundation because unnecessary - consent is given by parties [09-50822] (CNF)

10/11/2013 AMICUS CURIAE BRIEF FILED by Project 21, Reason Foundation, Individual Rights Foundation, American Civil Rights Institute, Center for Equal Opportunity, National Association of Scholars and Pacific Legal Foundation.
The Consent is Included in the Brief.

# of Copies Provided: 0
Paper Copies of Brief due on 10/22/2013 for Amici Curiae Individual Rights Foundation, Reason Foundation, Project 21, American Civil Rights Institute, Center for Equal Opportunity, Pacific Legal Foundation and National Association of Scholars. [09-50822] (CNF)

10/15/2013 AMICUS CURIAE BRIEF FILED by Mr. Peter Kirsanow, Mr. Gail Heriot and Mr. Todd Gaziano. The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 10/21/2013 for Amici Curiae Todd Gaziano, Gail Heriot and Peter Kirsanow. [09-50822] (CNF)

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10/25/2013 APPELLEE'S SUPPLEMENTAL BRIEF FILED by Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin Date of service: 10/25/2013 via email - Attorney for

Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; 3rd - party Attorney for Amici Curiae: Eng, Fox [09-50822] REVIEWED AND/OR EDITED. # of Copies Provided: 0 E/Res's Supplemental Brief deadline satisfied. Paper Copies of Brief due on 11/04/2013 for Appellees Board of Regents of the University of Texas System, Francisco G. Cigarro, James D. Dannenbaum, Paul Foster, Printice L. Gary, R. Steven Hicks, James R. Huffines, Kedra Ishop, Janiece Longoria, Colleen McHugh, William Eugene Powell, William Powers Jr., David B. Pryor, Robert L. Stillwell and University of Texas at Austin. [09-50822] (Gregory George Garre)

10/31/2013 AMICUS CURIAE BRIEF FILED by The Family of Heman Sweatt, Mr. Heman Marion Sweatt, II, Mr. James Leonard Sweatt, III and Mr. Hemella Sweatt-Duplechan Date of service: 10/31/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa,

Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fox [09-50822] REVIEWED AND/OR EDITED. AMICUS CURIAE BRIEF FILED by Family of Heman Sweatt, Mr. Heman Marion Sweatt, II, Mr. James Leonard Sweatt, III and Mr. Hemella Sweatt-Duplechan. Letter has been filed indicating consent of the parties. # of Copies Provided: 0 Paper Copies of Brief due on 11/07/2013 for Amicus Curiae Family of Heman Sweatt, for Amici Curiae Hemella Sweatt-Duplechan, James Leonard Sweatt and Heman Marion Sweatt [09-50822] (George Allan Van Fleet)

10/31/2013 SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by American Council on Education and 41 Other Higher Education Organizations. Date of service: 10/31/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney

for Appellees: Alvino McGill, Garre, Ho, Mahoney [09-50822] REVIEWED AND/OR EDITED.SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amici Curiae Accreditation Council for Pharmacy Education, American Anthropological Association, American Association of Colleges for Teacher Education, American Association of Colleges of Pharmacy, American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, AAUP, American College Personnel Association, American Council of Education, American Dental Education Association, American Indian Higher Education Consortium, American Speech-Language-Hearing Association, Association of American Colleges and Universities, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Community College Trustees, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land-Grant Universities, Association of Research Libraries, Association to Advance Collegiate Schools of Business,

*Appendix A*

College Board, College and University Professional Association for Human Resources, Common Application, Council for Christian Colleges and Universities, Council of Graduate Schools, Council of Independent Colleges, EDUCAUSE, Educational Testing Service, Group for the Advancement of Doctoral Education in Social Work, National Action Council for Minorities in Engineering, Incorporated, National Association for College Admission Counseling, National Association for Equal Opportunity in Higher Education, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Association of Student Financial Aid Administrators, National Collegiate Athletic Association, Southern Association of Colleges and Schools Commission on Colleges and Student Affairs Administrators in Higher Education # of Copies Provided: 0 Paper Copies of Brief due on 11/07/2013 for Amici Curiae Accreditation Council for Pharmacy Education, American Anthropological Association, American Association of Colleges for Teacher Education, American Association of Colleges of Pharmacy, American

*Appendix A*

Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American Association of University Professors, American College Personnel Association, American Council of Education, American Dental Education Association, American Indian Higher Education Consortium, American Speech-Language-Hearing Association, Association of American Colleges and Universities, Association of American Medical Colleges, Association of American Universities, Association of Catholic Colleges and Universities, Association of Community College Trustees, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land-Grant Universities, Association of Research Libraries, Association to Advance Collegiate Schools of Business, College Board, College and University Professional Association for Human Resources, Common Application, Council for Christian Colleges and Universities, Council of Graduate Schools, Council of Independent Colleges, EDUCAUSE, Educational Testing Service, Group for the Advancement of Doctoral Education in Social Work, National Action

Council for Minorities in Engineering, Incorporated, National Association for College Admission Counseling, National Association for Equal Opportunity in Higher Education, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Association of Student Financial Aid Administrators, National Collegiate Athletic Association, Southern Association of Colleges and Schools Commissionon on Colleges and Student Affairs Administrators in Higher Education. [09-50822] (Martin Robert Michaelson)

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11/01/2013 AMICUS CURIAE BRIEF FILED by Asian Americans Advancing Justice. *in Support of Appellees* Date of service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail

Attorney for Amicus Curiae: Fox [09-50822] REVIEWED AND/OR EDITED. AMICUS CURIAE BRIEF FILED by Asian Americans Advancing Justice. The Consent is Included in the Brief. # of Copies Provided: 0 Paper Copies of Brief due on 11/07/2013 for Amicus Curiae Asian Americans Advancing Justice. [09-50822] (Charles Ernest Baruch)

11/01/2013 AMICUS CURIAE BRIEF FILED by Asian American Legal Defense and Education Fund, Asian/Asian American Faculty and Staff Association of the University of Texas at Austin, and Asian Desi Pacific Islander American Collective of the University of Texas at Austin. Date of service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fox [09-50822] REVIEWED AND/OR EDITED. AMICUS CURIAE BRIEF FILED by Asian Desi Pacific Islander American Collective of the University-Texas,

Asian/Asian American Faculty and Staff Association of the University-TX and Asian American Legal Defense and Education Fund.
The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 11/07/2013 for Amici Curiae Asian American Legal Defense and Education Fund, Asian/Asian American Faculty and Staff Association of the University-TX and Asian Desi Pacific Islander American Collective of the University-Texas. [09-50822] (Robert E. Toone Jr.)

11/01/2013 SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by United States Department of Justice. Date of service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Eng, Fauth, Flynn, Fox, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney [09-50822] REVIEWED AND/OR ELITED. SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amicus Curiae USA
# of Copies Provided: 0
Paper Copies of Brief due on 11/07/2013 for

Amicus Curiae United States of America. [09-50822] (Sasha M. Samberg-Champion)

11/01/2013 AMICUS CURIAE BRIEF FILED by Distinguished Alumni of the University of Texas at Austin. Date of service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees:
Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fauth, Fox [09-50822] REVIEWED AND/OR EDITED.
AMICUS CURIAE BRIEF FILED by Ms. Judith Zaffirini, Mr. Pete Winstead, Mr. Darren Walker, Honorable Sara Martinez Tucker, Mr. Larry E. Temple, Ms. Ellen Clarke Temple, Mr. Stephen D Susman, Mr. Ben Streetman, Mr. Ricardo Romo, Mr. Harry M. Reasoner, Ms. Shannon Ratliff, Ms. Melinda Perrin, Mr. Jon Newton, Ms. Diana Natalicio, Mr. James J Mulva, Mr. Charles W Matthews, Dr. Teresa Lozano Long, Mr. Joe Long, Ms. Jodie L. Jiles, Mr. Kenneth M. Jastrow, II, Mr. Joseph Dahr Jamail, Jr., Esq., Mr. James R. Huffines, Mr. Julius Glickman,

Dr. Juliet Garcia, Mr. Larry Faulkner, Mr. John W Fainter, Jr., Dr. Edwin Dorn, Mr. Franklin W Denius, Ms. Barbara Smith Conrad, Mr. H. Scott Caven, Jr., Mr. R. D. Burck, Mr. David J. Beck, Honorable Ben F. Barnes, Mr. R. Gordon Appleman and Ms. Linda L. Addison, Esq.
The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 11/07/2013 for Amici Curiae Linda L. Addison, R. Gordon Appleman, Ben F. Barnes, David J. Beck, R. D. Burck, H. Scott Caven, Barbara Smith Conrad, Franklin W Denius, Edwin Dorn, John W Fainter, Larry Faulkner, Juliet Garcia, Julius Glickman, James R. Huffines, Joseph Dahr Jamail, Kenneth M. Jastrow, Jodie L. Jiles, Joe Long, Teresa Lozano Long, Charles W Matthews, James J Mulva, Diana Natalicio, Jon Newton, Melinda Perrin, Shannon Ratliff, Harry M. Reasoner, Ricardo Romo, Ben Streetman, Stephen D Susman, Ellen Clarke Temple, Larry E. Temple, Sara Martinez Tucker, Darren Walker, Pete Winstead and Judith Zaffirini. [09-50822] (David Charles Frederick)

11/01/2013 AMICUS CURIAE BRIEF FILED by Coalition of Black Male Achievement Initiatives. *In Support of Defendants-Appellees* Date of service: 11/01/2013 via

email - Attorney for Amici Curiae: Archer, Civin, Detamore, Eng, Fauth, Flynn, Fox, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney [09-50822] REVIEWED AND/OR EDITED.

AMICUS CURIAE BRIEF FILED by Mr. Floyd Weatherspoon, Mr. Robert L. Solomon, Ms. Arlethia Perry-Johnson, Dr. James L. Moore, III, Mr. Elliott Dawes, Ms. Lisa G. Whittaker, Mr. Christopher P. Chatmon, Mr. Shaun R. Harper, Mr. Pete White, Mr. Marcus Walton, Mr. Cheo Tyehimba Taylor, Mr. Jonathan Peck, Mr. David Payne, Mr. Gregory Hodge, George Garrow, Mr. Bryan Echols, Mr. Alan Houseman, Ms. Kelly Brown, Mr. Trupania Bonner, Ms. Susan Taylor Batten, Mr. Shawn Mooring and Coalition of Black Male Achievement Initiatives.

The Consent is Included in the Brief.

# of Copies Provided: 0

Paper Copies of Brief due on 11/07/2013 for Amici Curiae Coalition of Black Male Achievement Initiatives, Shawn Mooring, Susan Taylor Batten, Trupania Bonner, Kelly Brown, Alan Houseman, Bryan Echols, George Garrow, Gregory Hodge,

David Payne, Jonathan Peck, Cheo Tyehimba Taylor, Marcus Walton, Pete White, Shaun R. Harper, Christopher P. Chatmon, Lisa G. Whittaker, Elliott Dawes, James L. Moore, Arlethia Perry-Johnson, Robert L. Solomon and Floyd Weatherspoon. [09-50822] (Tracie Nichole Ransom)

11/01/2013 AMICUS CURIAE BRIEF FILED by Brief of Latino Amici Curiae Supporting Affirmance. Date of service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fox [09-50822] REVIEWED AND/OR EDITED.
AMICUS CURIAE BRIEF FILED by United We Dream, University of Texas Hispanic Health Professions Organization, University Leadership Initiative, Texas HOPE, Texas Association of Mexican American Chambers of Commerce, Texas Association for Bilingual Education, Texas Association of Chicanos in Higher Education, SER-Jobs for Progress

*Appendix A*

National Incorporation, Southwest Workers Union, National Latina Institute for Reproductive Health, Mi Familia Vota, Mexican-American School Board Members Association, Mexican American Legal Defense and Educational Fund, Mexican-American Bar Association of Texas, MANA, Longhorn League of United Latin American citizens, Lulac, Intercultural Development Research Association Intercultural, La Fe Policy Research and Education Center and Hispanic Association of Colleges and Universities.
The Consent is Included in the Brief.
# of Copies Provided: 0
Paper Copies of Brief due on 11/07/2013 for Amici Curiae Hispanic Association of Colleges and Universities, La Fe Policy Research and Education Center, Intercultural Development Research Association Intercultural, Lulac, Longhorn League of United Latin American citizens, MANA, Mexican-American Bar Association of Texas, Mexican American Legal Defense and Educational Fund, Mexican-American School Board Members Association, Mi Familia Vota, National Latina Institute for Reproductive Health, Southwest Workers Union, SER-Jobs for Progress National Incorporation, Texas Association of Chicanos in Higher

Education, Texas Association for Bilingual Education, Texas Association of Mexican American Chambers of Commerce, Texas HOPE, University Leadership Initiative, University of Texas Hispanic Health Professions Organization and United We Dream. [09-50822] (David G. Hinojosa)

11/01/2013 SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amici Curiae Black Student Alliance at the University of Texas at Austin and NAACP Legal Defense and Educational Fund, Incorporated Date of Service: 11/01/2013 via email - Attorney for Amici Curiae: Archer, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fox [09-50822] REVIEWED AND/OR EDITED.# of Copies Provided: 0 Paper Copies of Brief due on 11/07/2013 for Amici Curiae Black Student Alliance at the University of Texas at Austin and NAACP Legal Defense and Educational Fund, Incorporated. [09-50822] REVIEWED AND/OR EDITED. SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amicus Curiae Black

Ex-Students of Texas, Incorporated # of Copies Provided: 0 Paper Copies of Brief due on 11/07/2013 for Amicus Curiae Black Ex-Students of Texas, Incorporated. [09-50822] (Joshua I. Civin)

* * *

11/04/2013 UNOPPOSED MOTION filed by Amici Curiae Black Student Alliance at the University of Texas at Austin, Black Ex-Students of Texas, Inc., and NAACP Legal Defense and Educational Fund, Incorporated to participate in oral argument [74968402]. Date of service: 11/04/2013 via email - Attorney for Amici Curiae: Adegbile, Archer, Bhargava, Civin, Detamore, Fauth, Flynn, Grossman, Hacker, Hewitt, Hinojosa, Keller, Liu, Perales, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Hughes, Mahoney, Mitchell; US mail - Attorney for Amici Curiae: Eng, Fox [09-50822] (Joshua I. Civin)

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11/06/2013 COURT ORDER granting the unopposed motion of amici curiae Black Student

Alliance at the University of Texas at Austin (BSA), Black Ex-Students of Texas, Inc. (BEST), and NAACP Legal Defense and Education Fund, Inc. (LDF) to participate in oral argument using five minutes ceded by appellees filed by Amici Curiae NAACP Legal Defense and Educational Fund, Incorporated and Black Student Alliance at the University of Texas at Austin [7496840-2] [09-50822] (MVM)

* * *

11/08/2013 SUPPLEMENTAL REPLY BRIEF FILED by appellant Ms. Abigail Noel Fisher Date of service:
11/08/2013 via email - Attorney for Amici Curiae: Archer, Baruch, Civin, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hewitt, Hinojosa, Keller, Michaelson, Perales, Ransom, Samberg-Champion, Sandefur, Schmauch, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED.
# of Copies Provided: 0 Supplemental Reply Brief deadline satisfied. Paper

*Appendix A*

Copies of Brief due on 11/13/2013 for Appellant Abigail Noel Fisher. [09-50822] (Bert Walter Rein)

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11/13/2013 ORAL ARGUMENT HEARD before Judges King, Higginbotham, Garza. Arguing Person Information Updated for: Joshua Ian Civin arguing for Amicus Curiae Incorporated Black Ex-Students of Texas, Amicus Curiae Black Student Alliance at the University of Texas at Austin; Arguing Person Information Updated for: Gregory George Garre arguing for Appellee Board of Regents of the University of Texas System, Appellee Francisco G. Cigarro, Appellee James D. Dannenbaum, Appellee Paul Foster, Appellee Printice L. Gary, Appellee R. Steven Hicks, Appellee James R. Huffines, Appellee Kedra Ishop, Appellee Janiece Longoria, Appellee Colleen McHugh, Appellee William Eugene Powell, Appellee William Powers Jr., Appellee David B. Pryor, Appellee Robert L. Stillwell; Arguing Person Information Updated for: Bert Walter Rein arguing for Appellant Abigail Noel Fisher [09-50822] (PFT)

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| 04/22/2014 | SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Appellees Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of Texas at Austin Date of Service: 04/22/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Civin, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hewitt, Hinojosa, Keller, Michaelson, Perales, Ransom, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] (Gregory George Garre) |
| 04/25/2014 | RESPONSE filed by Appellant Ms. Abigail Noel Fisher to the 28j letter filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor, Mr. William Powers, |

Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro in 09-50822 [7617052-2] Date of Service: 04/25/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Civin, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hewitt, Hinojosa, Keller, Michaelson, Perales, Ransom, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] (Bert Walter Rein)

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07/15/2014 PUBLISHED OPINION On Remand From the Supreme Court of the United States FILED. [09-50822 Affirmed ] Judge: CDK , Judge: PEH , Judge: EMG Mandate pull date is 08/05/2014; denying motion (see opinion) to remand case filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr.

David B. Pryor, Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro [7417820-2] [09-50822] (JMA)

07/15/2014 JUDGMENT ENTERED AND FILED. [09-50822] (JMA)

* * *

07/29/2014 PETITION filed by Appellant Ms. Abigail Noel Fisher for rehearing en banc [7693701-2]. Date of Service: 07/29/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] (Bert Walter Rein)

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| 07/31/2014 | COURT DIRECTIVE ISSUED requesting a response to the petition for rehearing en banc filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7693701-2]. Response/ Opposition due on 08/11/2014. [09-50822] (MCS) |

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| 08/01/2014 | UNOPPOSED MOTION by Asian American Legal Foundation and 80-20 National Asian-American Educational Foundation to file amicus brief [76967882] Date of service: 08/01/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail Attorney for Amicus Curiae: Eng; 3rd party - Attorney for Amicus Curiae: Frederick [09-50822] (Gordon Morris Fauth Jr.) |
| 08/04/2014 | UNOPPOSED MOTION by Pacific Legal Foundation, Center for Equal Opportunity, |

Project 21, Reason Foundation, and Individual Rights Foundation for leave to file amicus brief [7697950-2] Date of service: 08/04/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Eva[illegible], Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION to file amicus brief [7697950-2] [09-50822] (Joshua Paul Thompson)

08/04/2014 DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Amicus Brief for Gail Heriot and Peter Kirsanow. because motion for leave to file an amicus brief in support of the petition for rehearing must to file with the amicus brief as an attachment to the motion. [09-50822] (MCS)

08/05/2014 UNOPPOSED MOTION by Cato Institute to file amicus brief [7698223-2] Date of service: 08/05/2014 via email - Attorney for

Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] (Andrew M. Grossman)

08/05/2014 UNOPPOSED MOTION by American Civil Rights Union to file amicus brief [7698498-2] Date of service: 08/05/2014 via cmail - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party American Civil Rights Union

to file amicus brief [7698498-2] [09-50822] (Stuart Kyle Duncan)

08/05/2014 UNOPPOSED MOTION by Judicial Watch, Inc. and Allied Educational Foundation to file amicus brief [7698524-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Eng, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Parties Judicial Watch, Incorporated and Allied Educational Foundation to file amicus brief [76985242] [09-5082-2] (Christopher Alan Fedeli)

08/05/2014 UNOPPOSED MOTION by Mountain States Legal Foundation to file amicus brief [7698708-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller,

Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amici Curiae: Eng, Fauth [09-50822] (Steven James Lechner)

08/05/2014 UNOPPOSED MOTION by Gail Heriot and Peter Kirsanow to file amicus brief [7698911-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] (Gail Louise Heriot)

08/05/2014 UNOPPOSED MOTION by Former Federal Civil Rights Officials as Amici Curiae to file amicus brief [7699091-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer,

Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party Former Federal Civil Rights Officials to file amicus brief [7699091-2] [09-50822] (Steven Gill Bradbury)

08/05/2014 UNOPPOSED MOTION by Amicus Curiae Richard D. Kahlenberg to file amicus brief [7699122-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae:

Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party Richard D Kahlenberg to file amicus brief [7699122-2] [09-50822] (Meredith B. Parenti)

08/05/2014 UNOPPOSED MOTION by Southeastern Legal Foundation to file amicus brief [7699140-2] Date of service: 08/05/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party Southeastern Legal Foundation to file amicus brief [7699140-2] [09-50822] (Shannon Lee Goessling)

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08/06/2014 UNOPPOSED MOTION by American Center for Law & Justice to file amicus brief [7700056-2] Date of service: 08/06/2014

via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party American Center for Law and Justice to file amicus brief [7700056-2] [09-50822] REVIEWED AND/OR EDITED. MOTION to file out of time motion [7700056-3] for leave to file amicus curiae brief [09-50822] (Walter Martin Weber)

08/11/2014 RESPONSE/OPPOSITION filed by Board of Regents of the University of Texas System, Mr. Francisco G. Cigarro, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. James R. Huffines, Mr. Kedra Ishop, Ms. Janiece Longoria, Ms. Colleen McHugh, Mr. William Eugene Powell, Mr. William Powers, Jr., Mr. David B. Pryor, Mr. Robert L. Stillwell and University of

Texas at Austin [7703157-1] to the petition for rehearing en banc filed by Appellant Ms. Abigail Noel Fisher in 09-50822 [7693701-2] Date of Service: 08/11/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; Attorney for Not Parties: Bradbury, Duncan, Fedeli, Orfanedes, Parenti; US mail - Attorney for Amicus Curiae: Eng. [09-50822] (Gregory George Garre)

08/13/2014 COURT ORDER granting motion to file amicus brief in support of Appellant's petition for rehearing en banc [7700056-2] filed by Asian American Legal Foundation and 8020 National Asian-American Educational Foundation in 09-50822 Judge(s): PEH. [09-50822] (SDH)

08/13/2014 SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amici Curiae 80-20 National Asian-American Educational Foundation and Asian American Legal

Foundation in support of Appellant's petition for rehearing en banc # of Copies Provided: 0 Paper Copies of Brief due on 08/18/2014 for Amici Curiae 80-20 National Asian-American Educational Foundation and Asian American Legal Foundation. [09-50822] (SDH)

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08/14/2014 UNOPPOSED MOTION by Center for Constitutional Jurisprudence to file amicus brief [7706290-2] Date of service: 08/14/2014 via email - Attorney for Amici Curiae: Archer, Baruch, Calderon, Detamore, Fauth, Flynn, Frederick, Ginn, Grimmer, Grossman, Hacker, Hinojosa, Keller, Michaelson, Perales, Ransom, Ross, Samberg-Champion, Sandefur, Schmauch, Smith-Evans, Srinivasan, Su, Thome, Thompson, Toone, Van Fleet; Attorney for Appellants: Consovoy, Evans, McCarthy, Rein, Terrill; Attorney for Appellees: Alvino McGill, Garre, Ho, Mahoney; Attorney for Not Parties: Bradbury, Duncan, Fedeli, Goessling, Orfanedes, Parenti, Weber; US mail - Attorney for Amicus Curiae: Eng [09-50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION by Not Party Center for Constitutional Jurisprudence to file amicus brief [7706290-2] [09-

50822] REVIEWED AND/OR EDITED. UNOPPOSED MOTION to file out of time motion [7706290-3] of Center for Constitutional Jurisprudence for leave to file an amicus curiae brief in support of petition for rehearing en banc [09-50822] (William Charles Bundren)

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08/19/2014 COURT ORDER granting motion to file amicus brief [7697950-2], granting motion to file amicus brief [7698223-2], granting motion to file amicus brief [7698498-2], granting motion to file amicus brief [7698524-2], granting motion to file amicus brief [7698708-2], granting motion to file amicus brief [7698911-2], granting motion to file amicus brief [7699091-2], granting motion to file amicus brief [7699122-2], granting motion to file amicus brief [7699140-2], granting motion to file amicus brief [7700056-2] filed by American Center for Law and Justice, Southeastern Legal Foundation, Richard D Kahlenberg, Former Federal Civil Rights Officials, Judicial Watch, Incorporated, Allied Educational Foundation and American Civil Rights Union in 09-50822; granting motion to file motion out of time [7700056-3] Judge(s): PEH. [09-50822] (SDH)

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| 08/19/2014 | SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amici Curiae Center for Equal Opportunity, Individual Rights Foundation, Pacific Legal Foundation, Project 21 and Reason Foundation # of Copies Provided: 0 Paper Copies of Brief due on 08/25/2014 for Amici Curiae Center for Equal Opportunity, Individual Rights Foundation, Pacific Legal Foundation, Project 21 and Reason Foundation. [09-50822] (SDH) |
| 08/19/2014 | SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amicus Curiae Cato Institute # of Copies Provided: 0 Paper Copies of Brief due on 08/25/2014 for Amicus Curiae Cato Institute. [09-50822] (SDH) |
| 08/19/2014 | AMICUS CURIAE BRIEF FILED by American Civil Rights Union.<br>Consent is Not Necessary as a Motion has been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amicus Curiae American Civil Rights Union. [09-50822] (SDH) |
| 08/19/2014 | AMICUS CURIAE BRIEF FILED by Allied Educational Foundation and Judicial Watch, Incorporated.<br>Consent is Not Necessary as a Motion has |

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| | been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amici Curiae Allied Educational Foundation and Judicial Watch, Incorporated. [09-50822] (SDH) |
| 08/19/2014 | SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amicus Curiae Mountain States Legal Foundation # of Copies Provided: 0 Paper Copies of Brief due on 08/25/2014 for Amicus Curiae Mountain States Legal Foundation. [09-50822] (SDH) |
| 08/19/2014 | SUPPLEMENTAL AMICUS CURIAE BRIEF FILED by Amici Curiae Mr. Gail Heriot and Mr. Peter Kirsanow # of Copies Provided: 0 Paper Copies of Brief due on 08/25/2014 for Amici Curiae Gail Heriot and Peter Kirsanow. [09-50822] (SDH) |
| 08/19/2014 | AMICUS CURIAE BRIEF FILED by Former Federal Civil Rights Officials. Consent is Not Necessary as a Motion has been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amicus Curiae Former Federal Civil Rights Officials. [09-50822] (SDH) |

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| 08/19/2014 | AMICUS CURIAE BRIEF FILED by Mr. Richard D Kahlenberg.<br>Consent is Not Necessary as a Motion has been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amicus Curiae Richard D Kahlenberg. [09-50822] (SDH) |
| 08/19/2014 | AMICUS CURIAE BRIEF FILED by Southeastern Legal Foundation.<br>Consent is Not Necessary as a Motion has been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amicus Curiae Southeastern Legal Foundation. [09-50822] (SDH) |
| 08/19/2014 | AMICUS CURIAE BRIEF FILED by American Center for Law and Justice.<br>Consent is Not Necessary as a Motion has been Granted.<br># of Copies Provided: 0<br>Paper Copies of Brief due on 08/25/2014 for Amicus Curiae American Center for Law and Justice. [09-50822] (SDH) |

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| 09/03/2014 | COURT ORDER granting motion of Center for Constitutional Jurisprudence to file motion for leave to file amicus curiae |

brief out of time [7706290-3]; granting motion to file amicus brief in support of Appellant's petition for rehearing en banc [7706290-2] filed by Center for Constitutional Jurisprudence in 09-50822 Judge(s): PEH. [09-50822] (SDH)

09/03/2014 AMICUS CURIAE BRIEF FILED by Center for Constitutional Jurisprudence. Consent is Not Necessary as a Motion has been Granted.
Brief NOT Sufficient as it requires an Appearance Form from counsel signing the brief. Instructions to Attorney: PLEASE READ THE ATTACHED NOTICE FOR INSTRUCTIONS ON HOW TO REMEDY THE DEFAULT. # of Copies Provided: 0
Sufficient Brief due on 09/17/2014 for Amicus Curiae Center for Constitutional Jurisprudence. Paper Copies of Brief due on 09/08/2014 for Amicus Curiae Center for Constitutional Jurisprudence. [09-50822] (SDH)

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11/12/2014 COURT ORDER denying petition for rehearing en banc filed by Appellant Ms. Abigail Noel Fisher [7693701-2] With Poll. Mandate pull date is 11/19/2014 [09-50822] (JRS)

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| 11/12/2014 | COURT ORDER denying motion to strike document filed by Appellees University of Texas at Austin, Ms. Colleen McHugh, Board of Regents of the University of Texas System, Mr. David B. Pryor, Mr. William Powers, Jr., Mr. James R. Huffines, Ms. Janiece Longoria, Mr. James D. Dannenbaum, Mr. Paul Foster, Mr. Printice L. Gary, Mr. R. Steven Hicks, Mr. William Eugene Powell, Mr. Robert L. Stillwell, Mr. Kedra Ishop and Mr. Francisco G. Cigarro [7426612-2] ; denying motion to file supplemental briefs filed by Appellant Ms. Abigail Noel Fisher [7418855-3] Judge(s): CDK, PEH and EMG. [09-50822] (JRS) |
| 11/14/2014 | MANDATE ISSUED FORTHWITH. Mandate pull date satisfied. [09-50822] (PAC) |
| 02/19/2015 | SUPREME COURT NOTICE that petition for writ of certiorari [7844004-2] was filed by Appellant Ms. Abigail Noel Fisher on 02/10/2015. Supreme Court Number: 14-981. [09-50822] (CAV) |

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| 06/30/2015 | SUPREME COURT ORDER received granting petition for writ of certiorari filed by Appellant Ms. Abigail Noel Fisher in 09-50822 on 06/29/2015. [7950034-1] [09-50822] (CAV) |

*Appendix A*

**U.S. District Court**
**Western District of Texas (Austin)**

**CIVIL DOCKET FOR CASE #: 1:08-cv-00263-SS**

**Fisher v. State of Texas et al**

| Date Filed | # | Docket Text |
|---|---|---|
| 04/07/2008 | 1 | COMPLAINT and MOTION FOR DECLARATORY JUDGMENT (Filing fee $ 350.00; receipt number 416146), filed by Abigail Noel Fisher. (Attachments: # 1 Exhibit A; # 2 Civil Cover Sheet & copy of receipt)(mm5) (Entered: 04/07/2008) |
| 04/07/2008 | | MOTION for Preliminary Injunction; and MOTION for Permanent Injunction; contained within 1 COMPLAINT; by Abigail Noel Fisher. (mm5) (Entered: 04/07/2008) |
| | | * * * |
| 04/17/2008 | 29 | MOTION for Preliminary Injunction *and Memorandum in Support of Motion for Preliminary Injunction* by Abigail Noel Fisher. (Attachments: # 1 Declaration of Paul Terrill, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Exhibit H, # 11 |

Exhibit I, # 12 Exhibit J, # 13 Exhibit K, # 14 Exhibit L, # 15 Exhibit M, # 16 Exhibit N, # 17 Exhibit O, # 18 Exhibit P, # 19 Exhibit P, # 20 Exhibit Q, # 21 Exhibit R, # 22 Exhibit R, # 23 Exhibit R, # 24 Exhibit S, # 25 Exhibit T, # 26 Exhibit U, # 27 Exhibit V)(Terrill, Paul) (Entered. 04/17/2008)

04/17/2008 30 AMENDED COMPLAINT against David B. Pryor, Barry D. Burgdorf, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, State of Texas, University of Texas at Austin, Mark G. Yudof amending 1 Complaint., filed by Rachel Multer Michalewicz, Abigail Noel Fisher. (Attachments: # 1 Exhibit)(mc2, ) (Entered: 04/18/2008)

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04/18/2008 32 SUPPLEMENT to 30 Amended Complaint, by Abigail Noel Fisher, Rachel Multer Michalewicz. (Attachments: # 1 Exhibit C, # 2 Exhibit D)(Terrill, Paul) (Entered: 04/18/2008)

*Appendix A*

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| 05/05/2008 | 42 | Response in Opposition to Motion, filed by David B. Pryor, Barry D. Burgdorf, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, State of Texas, University of Texas at Austin, Mark G. Yudof, re 29 MOTION for Preliminary Injunction *and Memorandum in Support of Motion for Preliminary Injunction* filed by Plaintiff Abigail Noel Fisher (Attachments: # 1 Affidavit Lavergne affidavit, # 2 Affidavit Roeckle Bus. Records Affidavit, # 3 Affidavit Ishop Affidavit, # 4 Affidavit Roeckle Gen Affidavit, # 5 Affidavit Frederick Affidavit, # 6 Affidavit Orr Affidavit, # 7 Affidavit Vincent Affidavit-part 1, # 8 Affidavit Vincent Affidavit-part 2, # 9 Proposed Order Order)(Ho, James) (Entered: 05/05/2008) |

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| 05/08/2008 | 44 | ANSWER to 30 Amended Complaint, by David B. Pryor, William Powers, |

Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, University of Texas at Austin, Mark G. Yudof.(jg3, ) (Entered: 05/08/2008)

05/14/2008 45 REPLY to Response to Motion, filed by Abigail Noel Fisher, Rachel Multer Michalewicz, re 29 MOTION for Preliminary Injunction *and Memorandum in Support of Motion for Preliminary Injunction* filed by Plaintiff Abigail Noel Fisher (Attachments: # 1 Exhibit A)(Terrill, Paul) (Entered: 05/14/2008)

05/15/2008 46 AMENDED ANSWER to 30 Amended Complaint, by David B. Pryor, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, University of Texas at Austin, Mark G. Yudof. (jg3, ) (Entered: 05/15/2008)

*Appendix A*

* * *

05/19/2008 48 Minute Entry for proceedings held before Judge Sam Sparks: Motion Hearing held on 5/19/2008 re MOTION for Preliminary Injunction MOTION for Permanent Injunction filed by Abigail Noel Fisher, 29 MOTION for Preliminary Injunction *and Memorandum in Support of Motion for Preliminary Injunction* filed by Abigail Noel Fisher (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.)(mc2, ) (Entered: 05/19/2008)

* * *

05/20/2008 52 SEALED Letter Brief with attachments re: 48 Motion Hearing, by David B. Pryor, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, University of Texas at Austin, Mark G. Yudof.(Document is not available electronically.) (mc2, ) (Entered: 05/21/2008)

* * *

05/22/2008 54 SEALED Letter Brief by Abigail Fisher, Rachel Michalewicz. (Documents are not available electronically.) (mc2, ) Modified on 5/28/2008 to correct filers (mc2, ). (Entered: 05/23/2008)

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05/29/2008 57 ORDER DENYING [] Motion for Preliminary Injunction; MOOTING 29 Motion for Preliminary Injunction. Signed by Judge Sam Sparks. (mc2, ) (Entered: 05/29/2008)

06/23/2008 58 Transcript filed of Proceedings held on May 19, 2008, Proceedings Transcribed: Amended Transcript of Preliminary Injunction Hearing. Court Reporter/ Transcriber: Lily I. Reznik, Telephone number: (512)916-5564. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not

electronically noticed Redaction Request due 7/14/2008. Redacted Transcript Deadline set for 7/24/2008. Release of Transcript Restriction set for 9/22/2008. (Reznik, Lily) (Entered: 06/23/2008)

* * *

07/07/2008 59 Proposed Scheduling Order *(Joint Proposed Scheduling Order)* by David B. Pryor, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, Abigail Noel Fisher, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, Rachel Multer Michalewicz, University of Texas at Austin, Mark G. Yudof. (Kneeland, Mishell) (Entered: 07/07/2008)

07/10/2008 60 SCHEDULING ORDER: Amended Pleadings due by 7/14/2008. Discovery due by 10/3/2008. Joinder of Parties due by 7/14/2008. Motions due by 2/2/2009.. Signed by Judge Sam Sparks. (jk, ) (Entered: 07/11/2008)

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*Appendix A*

| | | |
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| 08/13/2008 | 85 | SECOND AMENDED COMPLAINT against David B. Pryor, Barry D. Burgdorf, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, Kenneth I. Shine, University of Texas at Austin amending 1 Complaint; 30 Amended Complaint, filed by Abigail Noel Fisher, Rachel Multer Michalewicz. (mm5) (Entered: 08/15/2008) |

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|---|---|---|
| 08/22/2008 | 87 | ANSWER to 85 Second Amended Complaint, by David B. Pryor, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, Kenneth I. Shine, University of Texas at Austin.(mm5) (Entered: 08/25/2008) |

* * *

01/23/2009 94 MOTION for Summary Judgment by Abigail Noel Fisher, Rachel Multer Michalewicz. (Attachments: # 1 Exhibit A, # 2 Statement of Facts, # 3 Appendix, # 4 Exhibit 1, # 5 Errata 2, # 6 Exhibit 3, # 7 Exhibit 4, # 8 Exhibit 5, # 9 Exhibit 6, # 10 Exhibit 7, # 11 Exhibit 8, # 12 Exhibit 9, # 13 Exhibit 10, # 14 Exhibit 11, # 15 Exhibit 12, # 16 Exhibit 13, # 17 Exhibit 14, # 18 Exhibit 15, # 19 Exhibit 16, # 20 Exhibit 17, # 21 Exhibit 18, # 22 Exhibit 19, # 23 Exhibit 20, # 24 Exhibit 21, # 25 Exhibit 22, # 26 Exhibit 23, # 27 Exhibit 24, # 28 Exhibit 25, # 29 Exhibit 26, # 30 Exhibit 27, # 31 Exhibit 28, # 32 Exhibit 29, # 33 Exhibit 30, # 34 Exhibit 31, # 35 Exhibit 32)(Terrill, Paul) (Entered: 01/23/2009)

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02/23/2009 96 Cross MOTION for Summary Judgment *and in Opposition of Plaintiff's Motion for Partial Summary Judgment* by David B. Pryor, William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, Kenneth I. Shine, University of Texas

at Austin. (Attachments: # 1 Memo in Support, # 2 Appendix, # 3 Exhibit Tab 1 to Appendix, # 4 Exhibit TAB 2 to the Appendix, # 5 Exhibit TAB 3 - to the Appendix, # 6 Exhibit TAB 4 - to the Appendix, # 7 Exhibit TAB 5 - to the Appendix, # 8 Affidavit TAB 6 - to the Appendix, # 9 Affidavit TAB 7 -to the Appendix, # 10 Affidavit TAB 8 - to the Appendix, # 11 Affidavit TAB 9 - to the Appendix, # 12 Affidavit TAB 10 - to the Appendix, # 13 Affidavit TAB 11 - to the Appendix, # 14 Proposed Order)(Ho, James) (Entered: 02/23/2009)

* * *

03/27/2009 98 REPLY to Response to Motion, filed by Abigail Noel Fisher, Rachel Multer Michalewicz; re 94 MOTION for Summary Judgment filed by Plaintiff Abigail Noel Fisher, Plaintiff Rachel Multer Michalewicz, (Hurley, Suzzette) Modified on 3/30/2009 to include additional filing party (mm5, ). Modified on 3/30/2009 to correct document link (mm5, ). (Entered: 03/27/2009)

03/27/2009 99 RESPONSE in Opposition to Motion, filed by Abigail Noel Fisher, Rachel Multer Michalewicz, re 96 Cross MOTION for Summary Judgment *and in Opposition of Plaintiff's Motion*

*for Partial Summary Judgment* filed by Defendant William Powers, Jr., Defendant Board of Regents of the Texas State University System, Defendant Kenneth I. Shine, Defendant University of Texas at Austin, Defendant Printice L. Gary, Defendant Bruce Walker, Defendant Paul Foster, Defendant H. Scott Caven, Jr., Defendant David B. Pryor, Defendant Janiece Longoria, Defendant Colleen McHugh, Defendant James D. Dannenbaum, Defendant John W. Barnhill, Jr., Defendant James R. Huffines, Defendant Robert B. Rowling (Attachments: # 1 Exhibit Ex. 1, # 2 Exhibit Ex. 2, # 3 Proposed Order)(Hurley, Suzzette) Modified on 3/30/2009 to correct document link (mm5, ). Modified on 3/30/2009 to include additional filer and correct event (mm5,). (Entered: 03/27/2009)

03/27/2009 100 APPENDIX by Abigail Noel Fisher *Attachments to Docket No. 98.* (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Proposed Order)(Hurley, Suzzette) (Entered: 03/27/2009)

* * *

04/13/2009 102 REPLY to Response to Motion, filed by David B. Pryor, Barry D. Burgdorf,

William Powers, Jr, Board of Regents of the Texas State University System, John W. Barnhill, Jr, H. Scott Caven, Jr, James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary, Bruce Walker, Kenneth I. Shine, University of Texas at Austin, re 96 Cross MOTION for Summary Judgment *and in Opposition of Plaintiff's Motion for Partial Summary Judgment* filed by Defendant William Powers, Jr., Defendant Board of Regents of the Texas State University System, Defendant Kenneth I. Shine, Defendant University of Texas at Austin, Defendant Printice L. Gary, Defendant Bruce Walker, Defendant Paul Foster, Defendant H. Scott Caven, Jr., Defendant David B. Pryor, Defendant Janiece Longoria, Defendant Colleen McHugh, Defendant James D. Dannenbaum, Defendant John W. Barnhill, Jr., Defendant James R. Huffines, Defendant Robert B. Rowling (Attachments: # 1 Exhibit, # 2 Exhibit) (Ho, James) (Entered: 04/13/2009)

04/13/2009 103 BRIEF by Chad Stanton, Black Student Alliance, Anthony D. Williams, Ariel Cecil Barrett, Devon Robertson, Trenton Stanton, Eric Tre Stanton *(Amicus Brief of NAACP Legal Defense*

*& Educational Fund, Inc., et al.).* (Attachments: # 1 Appendix Index to Appendix, # 2 Appendix A, # 3 Appendix B, # 4 Appendix C)(Thomas, Holly) (Entered: 04/13/2009)

* * *

06/12/2009 112 Minute Entry for proceedings held before Judge Sam Sparks: Hearing on All Pending Matters held on 6/12/2009 (Minute entry documents are not available electronically.) Written order forthcoming. (Court Reporter Lily Reznik.)(mm5, ) (Entered: 06/15/2009)

* * *

08/17/2009 116 ORDER GRANTING 104 Motion for Leave to File Amicus Brief; DENYING 94 Motion for Partial Summary Judgment; GRANTING 96 Motion for Summary Judgment, and the Court GRANTS summary judgment in favor of all Defendants on all claims; GRANTING 115 Motion to Withdraw as Attorney by Suzzette Rodriguez Hurley. FINALLY ORDERED that all pending motions are DISMISSED AS MOOT. Signed by Judge Sam Sparks. (mm5) (Entered: 08/17/2009)

08/17/2009 117 JUDGMENT. Signed by Judge Sam Sparks. (mm5) (Entered: 08/17/2009)

09/01/2009 118 Transcript filed of Proceedings held on June 12, 2009, Proceedings Transcribed: All Pending Matters. Court Reporter/ Transcriber: Lily I. Reznik, Telephone number: (512)916-5564. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 9/22/2009. Redacted Transcript Deadline set for 10/2/2009. Release of Transcript Restriction set for 11/30/2009. (Reznik, Lily) (Entered: 09/01/2009)

09/14/2009 119 NOTICE OF APPEAL by Rachel Multer Michalewicz. Filing fee $ 455, receipt number 100003678. Per 5th Circuit rules, the appellant has 10 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript,

the appellant should fill out Form DKT-13 (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (mh, ) (Entered: 09/14/2009)

* * *

09/28/2009 121 USCA Appeal Info Sheet received. USCA Case Number 09-50822 for 119 Notice of Appeal,, filed by Rachel Multer Michalewicz. (jk, ) (Entered: 09/29/2009)

10/14/2009 NOTICE OF CERTIFIED RECORD ON APPEAL SENT TO USCA VIA EMAIL in re 119 Notice of Appeal,, (mh,) (Entered: 10/14/2009)

* * *

06/23/2011 127 Certified copy of USCA JUDGMENT/ MANDATE Affirming THE JUDGMENT OF THE DISTRICT COURT, in re 119 Notice of Appeal,, filed by Rachel Multer Michalewicz. (Attachments: # 1 Part 2)(mh, ) (Entered: 06/23/2011)

06/23/2011 128 ORDER of USCA (certified copy) regarding Petition for Rehearing En Banc ; re 119 Notice of Appeal,, (mh, ) (Entered: 06/23/2011)

*Appendix A*

* * *

07/25/2011 130 Appeal Record Returned/Disposed by USCA: (mh, ) (Entered: 07/25/2011)

* * *

02/27/2012 134 The Petition for a Writ of Certiorari is GRANTED re 119 Notice of Appeal. (klw, ) (Entered: 02/27/2012)

## APPENDIX B — SCHEDULING ORDER OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION, FILED JULY 10, 2008

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
(Austin Division)

ABIGAIL NOEL FISHER; and
RACHEL MULTER MICHALEWICZ

Plaintiffs,

v.

STATE OF TEXAS; UNIVERSITY OF TEXAS AT AUSTIN; MARK G. YUDOF, CHANCELLOR OF THE UNIVERSITY OF TEXAS SYSTEM IN HIS OFFICIAL CAPACITY; DAVID B. PRYOR, EXECUTIVE VICE CHANCELLOR FOR ACADEMIC AFFAIRS IN HIS OFFICIAL CAPACITY; BARRY D. BURGDORF, VICE CHANCELLOR AND GENERAL COUNSEL IN HIS OFFICIAL CAPACITY; WILLIAM POWERS, JR., PRESIDENT OF THE UNIVERSITY OF TEXAS AT AUSTIN IN HIS OFFICIAL CAPACITY; BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM; JOHN W. BARNHILL, JR., H. SCOTT CAVEN, JR., JAMES R. HUFFINES, JANIECE LONGORIA, COLLEEN MCHUGH, ROBERT B. ROWLING, JAMES D. DANNENBAUM, PAUL FOSTER, PRINTICE L. GARY, AS MEMBERS OF THE BOARD OF REGENTS IN THEIR OFFICIAL CAPACITIES; BRUCE WALKER, VICE PROVOST

*Appendix B*

AND DIRECTOR OF UNDERGRADUATE ADMISSIONS IN HIS OFFICIAL CAPACITY

Defendants.

Civil Action No. 1:08-cv-00263-SS

## SCHEDULING ORDER

Consistent with the goal of "secur[ing] the just, speedy, and inexpensive determination of every action and proceeding," as outlined in Federal Rule of Civil Procedure 1, the parties propose that the Court's standard scheduling order be modified to address the issue of liability in this case prior to addressing the issue of remedy. Remedy issues are likely to be much more fact intensive than liability issues and the Court's determination of the liability issue may resolve the entire case. Bifurcating this case into two phases—liability, followed by remedy should defendants be found liable—will conserve both scarce judicial resources and the parties' resources. Accordingly, in the interest of judicial economy and consistent with the Federal Rules of Civil Procedure, the parties have agreed to the following schedule for the liability phase of this case. Nothing in this scheduling order will be deemed to waive or otherwise alter the parties' rights in the remedy phase of this case.

The Court agrees that this approach is in the interest of the Court and the parties and, Pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure, the Court issues the following Scheduling Order and Discovery Plan:

*Appendix B*

1. The parties have discussed the possibility of alternative dispute resolution in compliance with Local Rule CV-88, but do not believe that this case may be disposed of by ADR at this time.

2. The parties have discussed the possibility of settlement, but do not believe that settlement of this case is feasible at this time.

3. Defendants have taken steps to preserve electronically stored information ("ESI"). At this time, the parties do not anticipate any issues relating to ESI in the liability phase of this case.

4. The parties will file all motions to amend or supplement pleadings or to join additional parties by **July 14, 2008.**

5. The parties will exchange initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) by **July 21, 2008.**

6. Plaintiffs will serve initial fact discovery requests relating to liability by **July 7, 2008**, and Defendants will respond by **August 20, 2008.** Plaintiffs will serve any follow up discovery requests relating to liability by **September 3, 2008**, and Defendants will respond by **October 3, 2008.** Defendants will serve any discovery requests relating to liability by **September 3, 2008**, and Plaintiffs will respond by **October 3, 2008.** The Parties will notice any depositions (except for expert depositions as noted below) by **September 3, 2008**, and all depositions will be completed by **October 3, 2008.**

7. Plaintiffs will state whether they intend to designate an expert witness or expert witnesses by **September 3, 2008** and will provide the name and resume of any experts they intend to use at that time. If Plaintiffs designate an expert witness, Plaintiffs will file their designation of testifying experts and will serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by **September 17, 2008**. Any opinion or testimony not contained in the summary will not be permitted at trial. Within **thirty (30) days** from the date upon which Plaintiffs either (a) state that they will not designate an expert witness or (b) serve Defendants with a summary of testimony of any expert witness, Defendants will file their designation of testifying experts and will serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report. Any opinion or testimony not contained in the summary will not be permitted at trial. All designations of rebuttal experts will be filed within **fifteen (15) days** of receipt of the report of the opposing expert. The Federal Rule of Civil Procedure 26 standard is not applicable to this paragraph; it does not make any difference whether or not the expert witness is a "retained expert," as any opinion or testimony of any expert not contained in the summary will not be permitted at trial.

8. Any deposition of an expert must be taken within **thirty (30) days** of receipt of the written summary of the expert's proposed testimony.

9. Any objections to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702

will be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11) days** of receipt of the written report of the expert's proposed testimony, or within **eleven (11) days** of the expert's deposition, if a deposition is taken, whichever is later.

10. The parties contemplate resolving the case via cross-motions for summary judgment. Although the parties contemplate that dispositive motions will be filed as soon as possible after expert discovery (if any), all dispositive motions will be filed no later than **February 2, 2009**. Plaintiffs will file a motion for summary judgment of no more than thirty (30) pages in length no later than **January 2, 2009**. Defendants will file a combined opposition to Plaintiffs' motion for summary judgment and any cross-motion for summary judgment of no more than thirty-five (35) pages in length within **thirty (30) days** of the date upon which Plaintiffs file their motion for summary judgment. Plaintiffs will file a combined reply in support of their motion for summary judgment and opposition to Defendants' cross-motion for summary judgment of no more than thirty (30) pages within **thirty (30) days** of the date upon which Defendants file their combined opposition to Plaintiffs' motion for summary judgment and any cross-motion for summary judgment. Defendants may file a reply in support of their cross-motion for summary judgment of no more than twenty-five (25) pages in length within **fifteen (15) days** of the date upon which Plaintiffs file their combined reply in support of their motion for summary judgment and opposition to Defendants' cross-motion for summary judgment.

11. The parties respectfully request that the Court order oral argument on the parties' cross-motions once the Plaintiff's motion has been filed.

12. The parties agree to meet and confer to discuss further activity in this case following the Court's disposition of the parties' cross-motions for summary judgment.

SIGNED AND ENTERED this 10th day of July, 2008

/s/
SAM SPARKS
UNITED STATES DISTRICT JUDGE

## APPENDIX C — SECOND AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER RELIEF, FILED AUGUST 13, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
(Austin Division)

ABIGAIL NOEL FISHER; and
RACHEL MULTER MICHALEWICZ

Plaintiffs,

v.

UNIVERSITY OF TEXAS AT AUSTIN; MARK G. YUDOF, CHANCELLOR OF THE UNIVERSITY OF TEXAS SYSTEM IN HIS OFFICIAL CAPACITY; DAVID B. PRYOR, EXECUTIVE VICE CHANCELLOR FOR ACADEMIC AFFAIRS IN HIS OFFICIAL CAPACITY; WILLIAM POWERS, JR., PRESIDENT OF THE UNIVERSITY OF TEXAS AT AUSTIN IN HIS OFFICIAL CAPACITY; BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM; JOHN W. BARNHILL, JR., H. SCOTT CAVEN, JR., JAMES R. HUFFINES, JANIECE LONGORIA, COLLEEN MCHUGH, ROBERT B. ROWLING, JAMES D. DANNENBAUM, PAUL FOSTER, PRINTICE L. GARY, AS MEMBERS OF THE BOARD OF REGENTS IN THEIR OFFICIAL CAPACITIES; BRUCE WALKER, VICE PROVOST AND DIRECTOR OF UNDERGRADUATE ADMISSIONS IN HIS OFFICIAL CAPACITY

Defendants.

*Appendix C*

Civil Action No. 1:08-cv-00263-SS

# SECOND AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER RELIEF

## *SECOND AMENDED COMPLAINT*

## NATURE OF THE ACTION

1. This action is brought by Plaintiffs Abigail Noel Fisher and Rachel Multer Michalewicz ("Plaintiffs") to preliminarily and permanently enjoin Defendants the State of Texas, *et al.*, ("Defendants") from employing racially discriminatory policies and procedures in administering the undergraduate admissions program at the University of Texas at Austin ("UT Austin"). The admissions policies and procedures currently applied by Defendants discriminate against Plaintiffs on the basis of their race in violation of their right to equal protection of the laws under the Fourteenth Amendment of the United States Constitution, U.S. Const. amend. XIV, § 1, and federal civil rights statutes, 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.*

2. Plaintiffs seek preliminary injunctive relief requiring Defendants to re-evaluate them for admission to the undergraduate program at UT Austin under race-neutral criteria and requiring Defendants to admit Plaintiffs to UT Austin's undergraduate program so long as each is qualified under race-neutral criteria.

3. Plaintiffs seek permanent relief in the form of: a declaratory judgment from the Court that Defendants' admissions policies and procedures violate the United States Constitution and federal civil rights statutes; injunctive relief prohibiting Defendants from using race as a factor in undergraduate student admissions decisions at UT Austin; injunctive relief requiring Defendants to re-evaluate Plaintiffs for admission to the undergraduate program at UT Austin under race-neutral criteria; and injunctive relief requiring Defendants to admit Plaintiffs to UT Austin's undergraduate program so long as each is qualified under race-neutral criteria.

4. Plaintiffs seek monetary damages in the form of refund of application fees and all associated expenses incurred by Plaintiffs in connection with applying for admission to UT Austin and attorneys' fees and costs under 42 U.S.C. § 1988 and any other applicable legal authority, as well as all other relief this Court finds appropriate and just.

## JURISDICTION AND VENUE

5. This action arises under section 1 of the Fourteenth Amendment to the United States Constitution and under federal civil rights statutes 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6. Venue is proper in the Western District of Texas under 28 U.S.C. § 1391 because the events giving rise to the claims detailed herein occurred in the Western District of Texas.

*Appendix C*

## THE PARTIES

### *Plaintiffs*

7. Plaintiff Abigail Noel Fisher is an 18-year-old Caucasian female who resides in Richmond, Texas.

8. Ms. Fisher is currently enrolled as a full-time high school student at Stephen F. Austin High School in Sugar Land, Texas.

9. At the time of her application to UT Austin, Ms. Fisher maintained a 5.1111 grade point average on a weighted 6.0 scale and/or a 3.5926 grade point average on a 4.0 scale at Stephen F. Austin High School.

10. At the time of her application to UT Austin, Ms. Fisher was ranked 82 out of 674 students in her graduating class. Thus, Ms. Fisher was ranked in approximately the top 12 percent of her class at Stephen F. Austin High School.

11. At the time of her application to UT Austin, Ms. Fisher had taken the Scholastic Aptitude Test ("SAT") twice. The SAT is administered by the College Board, a nonprofit educational association that liaises with high schools and colleges to facilitate the undergraduate application process. The test is composed of three sections—critical reading, mathematics, and writing—each scored on scale from 200 to 800 points. The critical reading section (formerly known as the "verbal" section) evaluates reading comprehension skills through a series

of paragraph-length excerpts and sentence-completion drills. The mathematics section includes topics covered in high school algebra, geometry, and pre-calculus curricula. The writing section, added to the SAT in 2005, includes multiple-choice questions that test grammar, usage, and word choice, and also requires students to compose a short, persuasive essay. UT Austin did not consider the writing section in its undergraduate admissions decision for the 2008 incoming freshman class.

12. On the first occasion that Ms. Fisher took the SAT, she scored a 540 on the critical reading portion of the exam and a 630 on the math portion of the exam for a total of 1170. On the second occasion, she scored a 500 on the critical reading portion of the exam and a 680 on the math portion of the exam for a total of 1180. For undergraduate applicants who take the SAT more than once, UT Austin considers the higher combined score from one test when making admissions decisions.

13. Plaintiff Rachel Multer Michalewicz is a 17-year-old Caucasian female who resides in Buda, Texas.

14. Ms. Michalewicz is currently enrolled as a full-time high school student at Jack C. Hays High School in Buda, Texas.

15. At the time of her application to UT Austin, Ms. Michalewicz maintained a 3.867 grade point average on a 4.0 scale at Jack C. Hays High School.

16. At the time of her application to UT Austin, Ms. Michalewicz was ranked 36 out of 355 students in her graduating class. Thus, Ms. Michalewicz was ranked in the top 10.14 percent of her class according to UT Austin. According to Jack C. Hays High School, Ms. Michalewicz is ranked in the Top 10 percent of her class. Ms. Michalewicz appealed the denial of admission. UT Austin rejected the appeal.

17. At the time of her application to UT Austin, Ms. Michalewicz had taken the Scholastic Aptitude Test ("SAT") once, scoring a 670 on the critical reading portion of the exam and a 620 on the math portion of the exam for a total of 1290.

***Defendants***

18. UT Austin is a public educational institution authorized by Article 7, section 10 of the Texas Constitution and is funded by the State of Texas and the United States Government.

19. John W. Barnhill, Jr., H. Scott Caven, Jr., James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, and Printice L. Gary are the nine members of the Board of Regents, the governing body of the University of Texas System. The Board of Regents is responsible for the central management and coordination of the University of Texas System's component institutions. The Board of Regents promulgates regulations that authorize the colleges, departments, and other programs in the University of

Texas System to develop and implement undergraduate admissions policies. The members of the Board of Regents are all named defendants in their official capacities only.

20. Mark G. Yudof is the Chancellor of the University of Texas System. As Chancellor, Yudof serves as the chief executive officer of the University of Texas System charged with instituting the policies and procedures of the Board of Regents. Yudof is responsible for all aspects of the University of Texas System's operations, including oversight and implementation of the admissions policy at UT Austin. Yudof is sued in his official capacity.

21. David B. Pryor is the Executive Vice Chancellor for Academic Affairs of the University of Texas System. According to the Rules and Regulations of the Board of Regents, Pryor is responsible for the review and approval of any proposal for admissions policies. He is sued in his official capacity.

22. Barry D. Burgdorf is the Vice Chancellor and General Counsel of the University of Texas System. According to the Rules and Regulations of the Board of Regents, Burgdorf is responsible for the review and approval of any proposal for admissions policies. He is sued in his official capacity.

23. William Powers, Jr., is the President of UT Austin. As President, Powers is responsible for the implementation and administration of undergraduate admissions at the UT Austin. He is sued in his official capacity.

24. Bruce Walker is Vice Provost and Director of Undergraduate Admissions at UT Austin. Walker administers UT Austin's undergraduate admissions office and implements the undergraduate admissions policies promulgated by the University System. Walker's name and signature are affixed to the respective letters from UT Austin to each Plaintiff stating that UT Austin denied each Plaintiff admission into UT Austin's undergraduate program for the incoming freshman class of 2008. *See* Letter from Bruce Walker to Abigail Fisher of March 25, 2008 (Exhibit A "Ex." A"); Letter from Bruce Walker to Rachel Michalewicz of March 24, 2008 (Ex. B). Walker is sued in his official capacity.

## UT AUSTIN'S UNDERGRADUATE ADMISSIONS POLICIES

25. UT Austin is selective in its admissions process in that the number of applicants seeking admission into its undergraduate program each year exceeds the number of available slots.

26. UT Austin has modified its undergraduate admissions policies over time, generally in response to judicial decisions in the federal courts regarding public undergraduate and graduate schools' consideration of race as a factor in admissions decisions.

### *UT Austin's Pre-*Hopwood *Admissions Policies*

27. In the years immediately preceding the decision by the United States Court of Appeals for the Fifth Circuit

in *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996), UT Austin employed race-based criteria in its undergraduate admissions program.

28. UT Austin formulated a system of predicting freshman grade point average based upon an applicant's standardized testing (SAT and/or ACT) scores and class rank.

29. During this time, UT Austin's undergraduate admissions program employed this predicted freshman grade point average in conjunction with race-based affirmative action to make admissions decisions *("Pre-Hopwood* Race-Based Plan").

30. According to UT Austin, relying exclusively on predicted freshman grade point average for admissions decisions "would have produced classes with unacceptably low diversity levels." *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (June 2003), at 2.

31. UT Austin employed an admissions plan relying on race-based affirmative action in order to increase the number of African-American and Hispanic students admitted to UT Austin.

32. Under the *Pre-Hopwood* Race-Based Plan, in 1996, 17,263 students applied for admission to UT Austin's incoming freshman class, 809 of whom were African-American students, and 2,492 of whom were Hispanic students. Thus, 4.7 percent of UT Austin's pool of

applicants for the incoming freshman class were African-American students, and 14.4 percent of UT Austin's pool of applicants for the incoming freshman class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

33. Under the *Pre-Hopwood* Race-Based Plan, in 1996, UT Austin admitted 11,456 students to its incoming freshman class, 501 of whom were African-American students and 1,761 of whom were Hispanic students. Thus, 4.4 percent of UT Austin's admitted class were African-American students, and 15.4 percent of UT Austin's admitted class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

34. Under the *Pre-Hopwood* Race-Based Plan, in 1996, 6430 students enrolled in UT Austin's incoming freshman class, 266 of whom were African-American students and 932 of whom were Hispanic students. Thus, 4.1 percent of UT Austin's enrolled freshman class were African-American students, and 14.5 percent of UT Austin's enrolled freshman class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

### *The* Hopwood *Case*

35. In 1996, the United States Court of Appeals for the Fifth Circuit held that UT Austin was prohibited

from considering race as a criterion for admission to the University of Texas at Austin Law School. *See Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996).

36. Under the Fifth Circuit's *Hopwood* decision, it was unlawful for universities and graduate schools in Texas to use race-based criteria in their admissions decisions.

37. Following the Fifth Circuit's *Hopwood* decision, UT Austin ceased employing race as a factor in its undergraduate admissions decisions.

38. According to UT Austin, the last freshman class admitted under this race-based admissions program was for the Summer/Fall of 1996.

***UT Austin's Post-*Hopwood *Admissions Policies***

39. Beginning with the entering freshman class of 1997, UT Austin implemented a new admissions policy that did not take an applicant's race into account.

40. During this time, UT Austin evaluated undergraduate applicants according to their academic performance and their personal achievements.

41. For each applicant, UT Austin computed an Academic Index ("AI") and a Personal Achievement Index ("PAI").

42. UT Austin has stated in public documents that an applicant's AI is a figure that reflects the applicant's high school record, taking in to account the applicant's class

rank, the applicant's completion of a UT Austin-required high school curriculum, the extent to which the applicant exceeded the required curriculum, and the applicant's SAT/ACT score.

43. UT Austin has stated in public documents that an applicant's PAI is a figure that takes into account the applicant's scores on two essays, leadership, extracurricular activities, awards/honors, work experience, and service to school or community, as well as other special circumstances.

44. The other special circumstances that UT Austin considers are the socio-economic status of the applicant's family, whether the applicant lives in a single-parent home, the language spoken at home, the applicant's family responsibilities, the socio-economic status of school attended, and the average SAT/ACT of school attended in relation to student's own SAT/ACT.

45. Neither race nor ethnic origin were included among the special circumstances that were considered part of an applicant's PAI under UT's post-*Hopwood* admissions plan.

46. Under this admissions plan ("AI/PAI Plan"), in 1997, 14,982 students applied for admission to UT Austin's incoming freshman class, 639 of whom were African-American students, and 1,955 of whom were Hispanic students. Thus, 4.3 percent of UT Austin's pool of applicants for the incoming freshman class were African-American students, and 13.0 percent of UT Austin's pool of

applicants for the incoming freshman class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

47. Under the AI/PAI Plan, for the entering freshmen class of 1997, UT Austin admitted 12,289 students to its incoming freshman class, 419 of whom were African-American students and 1,592 of whom were Hispanic students. Thus, 3.4 percent of UT Austin's admitted freshman class of 1997 were African-American students, and 13.0 percent were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

48. Under the AI/PAI Plan, for the entering freshmen class of 1997, 7085 students enrolled in UT Austin's incoming freshman class, 190 of whom were African-American students and 892 of whom were Hispanic students. Thus, 2.7 percent of UT Austin's 1997 enrolled freshmen class were African-American students, and 12.6 percent of UT Austin's 1997 enrolled freshmen class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

***The Top 10 Percent Law***

49. In 1997, the Texas legislature passed House Bill 588, Tex. Educ. Code § 51.803 (1997). House Bill 588 is often referred to as HB 588, or the "Top 10 Percent Law."

50. Under the Top 10 Percent Law, Texas public high school students who graduate in the top 10 percent of their class are guaranteed admission to UT Austin.

51. The Top 10 Percent Law effectively creates a large pre-qualified applicant pool for UT Austin, including a large number of pre-qualified minority applicants.

52. The legislative history of the Top 10 Percent Law confirms that the goal of the law was to not only "ensure a highly qualified pool of students each year in the state's higher educational system" but also to promote diversity among the applicant pool in order to "ensure that a large, well qualified pool of minority students [is] admitted to Texas universities." HB 588, House Research Organization Digest at 4, 5 (Apr. 15, 1997).

53. Students admitted pursuant to the Top 10 Percent Law do not fill UT Austin's entire incoming freshman class.

54. Thus, UT Austin continued to use the AI/PAI Plan. UT Austin would admit as freshmen all students who qualified under the Top 10 Percent Law and then use the AI/PAI Admissions Plan to fill the remainder of its incoming freshman class.

55. From 1998 through 2004, UT Austin admitted applicants under the Top 10 Percent Law and then used the AI/PAI Plan to fill the remainder of each incoming freshman class (the "Top 10-AI/PAI Plan").

56. Neither race nor ethnic origin was considered in admissions to UT's incoming freshman class under the Top 10-AI/PAI Plan used for admissions from 1998 through 2004.

57. The Top 10-AI/PAI Plan was very successful in promoting diversity in UT Austin's undergraduate student body.

58. In 2000, UT Austin President Larry R. Faulkner stated that "the Top 10 percent law has enabled us to diversify enrollment at UT Austin with talented students who succeed. Our 1999 enrollment levels for African American and Hispanic freshmen have returned to those of 1996, the year before the *Hopwood* decision prohibited the consideration of race in admissions policies." *The "Top 10 Percent Law" is Working for Texas*, Dr. Larry Faulkner, President, The University of Texas at Austin (October 19, 2000), *available at* http://www.utexas.edu/student/admissions/research/faulknerstatement.html.

59. In an October 19, 2000 press release entitled *The "Top 10 Percent Law" is Working for Texas*, UT Austin President Larry R. Faulkner stated that "minority students have earned higher grade point averages last year [in 1999] than in 1996 and have higher retention rates. An impressive 94.9 percent of 1998 African American freshmen returned to enroll for their sophomore year 1999. For Hispanics, 85.8 percent returned for their second year. So, the law is helping to create a more representative student body and enroll students who perform well academically." *The "Top 10 Percent Law" is*

*Working for Texas*, Dr. Larry Faulkner, President, The University of Texas at Austin (October 19, 2000), *available at* http://www.utexas.edu/student/admissions/research/faulknerstatement.html.

60. In a January 16, 2003 press release, UT Austin stated that the Top 10 Percent Law "has effectively compensated for the loss of affirmative action." *The University of Texas at Austin's experience with the "Top 10 Percent" Law* (January 16, 2003), *available at* http://www.utexas.edu/news/2003/01/16/nr_toptenpercent/.

61. In a January 16, 2003 press release, UT Austin stated that "the first-year class included 272 African Americans, or 3.4 percent of the total of 7,936. It also included 1,138 Hispanics, or 14.3 percent of the total. The percentage of entering African American and Hispanics in the Fall of 1996, the year the 5th Circuit Court of Appeals' decision struck down the use of affirmative action in Texas, was 4 and 14, respectively." *The University of Texas at Austin's experience with the "Top 10 Percent" Law* (January 16, 2003), *available at* http://www.utexas.edu/news/2003/01/16/nr_toptenpercent/.

62. In a January 29, 2003 press release, UT Austin announced that "[d]iversity efforts at The University of Texas at Austin have brought a higher number of freshman minority students—African Americans [and] Hispanics ... —to the campus than were enrolled in 1996, the year a court ruling ended the use of affirmative action in the university's enrollment process. A report by the university's Office of Institutional Research for

the 2002 Fall/Summer enrollment shows there were 266 African Americans [and] 932 Hispanics ... enrolled as first-time freshmen at the university in 1996. The numbers of African Americans and Hispanics dropped after the *Hopwood* ruling .... In 1997, the numbers for first-time freshmen were down to 190 African Americans [and] 892 Hispanics .... More recent enrollment figures show a more encouraging trend. The Summer/Fall 2002 semester report shows that first-time freshmen enrollment for [these] ethnic groups has increased to a level above the 1996 pre-Hopwood figures. Minority enrollment last fall included 272 African Americans, 1,137 Hispanics ...." *Enrollment of first-time freshman minority students now higher than before Hopwood court decision* (January 29, 2003), *available at* http://www.utexas.edu/news/2003/01/29/nr_diversity/.

63. In 2004, the last year under the Top 10-AI/PAI Plan, 23,008 students applied for admission to UT Austin's incoming freshman class, 1,456 of whom were African-American students, and 4,035 of whom were Hispanic students. Thus, 6.3 percent of UT Austin's pool of applicants for the incoming freshman class were African-American students, and 17.5 percent of UT Austin's pool of applicants for the incoming freshman class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

64. In 2004, the last year under the Top 10-AI/PAI Plan, UT Austin admitted 11,788 students to its incoming freshman class, 569 of whom were African-American

students and 1,911 of whom were Hispanic students. Thus, 4.8 percent of UT Austin's admitted class were African-American students, and 16.2 percent of UT Austin's admitted class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

65. In 2004, the last year under the Top 10-AI/PAI Plan, 6,796 students enrolled in UT Austin's incoming freshman class, 309 of whom were African-American students and 1,149 of whom were Hispanic students. Thus, 4.5 percent of UT Austin's enrolled class were African-American students, and 16.9 percent of UT Austin's enrolled class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1.

66. In 2004, the last year under the Top 10-AI/PAI Plan, out of the 569 African-American students admitted into the incoming freshman class, 428 were admitted under the Top 10 percent law and 141 under the AI/PAI criteria. Of the 428 African-American students admitted under the Top 10 percent law, 225 enrolled in the incoming freshman class and 203 of the automatically admitted African-American students did not. There were 84 African-American students admitted to the 2004 incoming freshman class under the AI/PAI criteria who enrolled in UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1, Table 1-A, Table 2.

*Appendix C*

67. In 2004, the last year under the Top 10-AI/PAI Plan, out of the 1911 Hispanic students admitted into the incoming freshman class, 1,451 were admitted under the Top 10 percent law and 460 under the AI/PAI criteria. Of the 1,451 Hispanic students admitted under the Top 10 percent law, 887 enrolled in the incoming freshman class and 564 of the automatically admitted Hispanic students did not. There were 262 Hispanic students admitted to the 2004 incoming freshman class under the AI/PAI criteria who enrolled in UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (December 2006), Table 1, Table 1-A, Table 2.

### *The* Grutter *Decision*

68. The *Hopwood* case was abrogated on June 23, 2003 by the Supreme Court's decision in *Grutter v. Bollinger*, 539 U.S. 306 (2003).

69. The Supreme Court reaffirmed in *Grutter* both that "[a] core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race," 539 U.S. at 341, and that "whenever the government treats any person unequally because of his or her race, that person has suffered an injury that falls squarely within the language and spirit of the Constitution's guarantee of equal protection," 539 U.S. at 327.

70. Government discrimination based upon race is the exception rather than the rule under the Fourteenth Amendment.

71. The Supreme Court held that courts must apply strict scrutiny to racially discriminatory university admissions programs in order to ensure that admissions committees are "pursing a goal important enough to warrant use of a highly suspect tool." *Grutter*, 539 U.S. at 326.

72. The Supreme Court explained that "racial classifications, however compelling their goals, are potentially so dangerous that they may be employed no more broadly than the interest demands." *Grutter*, 539 U.S. at 342.

73. The Supreme Court held in *Grutter* that universities have a compelling interest in "student body diversity" such that, under limited circumstances, they may consider race or ethnicity as a factor in their admissions processes. *Grutter*, 539 U.S. at 328.

74. The Supreme Court further explained in *Grutter* that government is constrained in how it may pursue those ends, even where the end is a compelling state interest. The means chosen by the government must be narrowly tailored to fit its purpose. *Grutter*, 539 U.S. at 333.

75. The Supreme Court therefore held in *Grutter* that universities must engage in "serious, good faith consideration of workable race-neutral alternatives that will achieve the diversity the university seeks" before turning to racial preferences. *Grutter*, 539 U.S. at 339.

*Appendix C*

***UT Austin's Post-Grutter Admissions Policies***

76. On June 23, 2003, the same day that the United States Supreme Court decided *Grutter*, UT Austin decided to resume employing race as a factor in undergraduate admissions decisions.

77. On June 23, 2003, Larry Faulkner, then-President of the UT Austin, publicly announced that race-based admissions criteria would quickly be re-introduced to the undergraduate admissions process at UT Austin and become effective for the upcoming 2004 admissions cycle. *See* Ron Nissimov, *UT Austin to Reintroduce Race-Based Criteria*, Houston Chronicle, June 24, 2003.

78. On June 23, 2003, UT Austin issued a press release entitled *The University of Texas at Austin reacts to the Supreme Court's affirmative action decisions ("UT Austin Reacts to Grutter"):* "Dr. Larry R. Faulkner, president of The University of Texas at Austin, said the rulings [in *Grutter]* sweep away the restrictions of the 1996 *Hopwood* decision, a decade long case that eliminated the consideration of race."

79. As stated in the *UT Austin Reacts to Grutter* press release: "The University of Texas at Austin will modify its admissions procedures to comply with the court's rulings in time for the Fall 2004 semester, Faulkner said. This will include implementing procedures at the undergraduate level that combine the benefits of the Top 10 Percent Law with affirmative action programs that can produce even greater diversity." *UT Austin Reacts to Grutter* (June 23, 2003).

80. On June 23, 2003, President Larry R. Faulkner stated at a news conference that "the Supreme Court's rulings today place the state of Texas and higher education institutions in the state on the same competitive basis as education institutions throughout the United States." *UT Austin Reacts to Grutter* (June 23, 2003).

81. At the same time, UT Austin decided to resume employing race as a factor in graduate and professional programs. President Faulkner explained that employing racial preferences in admissions decisions for graduate and professional programs is a "priority" because "we don't have a good substitute for affirmative action in those programs." *UT Austin Reacts to Grutter* (June 23, 2003).

82. On August 7, 2003, the Board of Regents adopted a resolution authorizing UT Austin to develop and implement policies and procedures for its undergraduate admissions program that take race into account.

83. Pursuant to the Board's authorization, beginning with the 2005-2006 academic year, UT Austin implemented race-based criteria as part of its undergraduate admissions program.

84. Since the 2005-2006 academic year, UT Austin has employed race as a factor in its undergraduate admissions decisions by including the applicant's race as a component of the applicant's PAI (the "race-adjusted AI/PAI criteria").

85. Since the 2005-2006 academic year, UT Austin has admitted students to its undergraduate program

consistent with the Top 10 Percent Law and has filled the remainder of its incoming freshman classes in accordance with the AI/PAI Plan as modified to account for race (the "Top 10-Race-Based Plan").

86. Although it is not clear how much weight the race-adjusted AI/PAI criteria gives to an applicant's race, it is clear that UT Austin grants to African-American and Hispanic students a substantial advantage in the admissions process that it does not grant to other students such as Plaintiffs.

87. The average SAT scores for students admitted under the race-adjusted AI/PAI criteria demonstrate that African-American and Hispanic students are given a substantial advantage on the basis of their race in the admissions process. The average SAT scores for non Top-10% students from Texas high schools who enrolled in the 2006 UT Austin incoming freshman class are as follows: Caucasian students–1,286; African-American students–1,086; Hispanic students–1,154. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Tables 6a, 6b, 6d.

88. In 2005, during the first year under the Top 10-Race-Based Plan, 23,925 students applied for admission to UT Austin's incoming freshman class, 1,552 of whom were African American students, and 4,457 of whom were Hispanic students. Thus, 6.5 percent of UT Austin's pool of applicants for the incoming freshman class were African-American students, and 18.6 percent of UT Austin's pool of applicants for the incoming freshman class were Hispanic

students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

89. In 2005, during the first year under the Top 10-Race-Based Plan, UT Austin admitted 12,207 students to its incoming freshman class, 617 of whom where African-American students and 2,183 of whom were Hispanic students. Thus, 5.1 percent of UT Austin's admitted class were African-American students, and 17.9 percent of UT Austin's admitted class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

90. In 2005, during the first year under the Top 10-Race-Based Plan, 6,912 students enrolled in UT Austin's incoming freshman class, 351 of whom were African-American students and 1,244 of whom were Hispanic students. Thus, 5.1 percent of UT Austin's enrolled class were African-American students, and 18.0 percent of UT Austin's enrolled class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

91. In 2005, under the Top 10-Race-Based Plan, out of the 617 African-American students admitted into the incoming freshman class, 441 were admitted under the Top 10 percent law and 176 under the race-adjusted AI/PAI criteria. Of the 441 African-American students automatically admitted under the Top 10 Percent Law,

252 enrolled in the incoming freshman class and 189 of these automatically admitted African-American students did not. There were 99 African-American students admitted to the 2005 incoming freshman class under the race adjusted AI/PAI plan who enrolled at UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1, Table 1-A, Table 2.

92. In 2005, under the Top 10-Race-Based Plan, out of the 2,183 Hispanic students admitted into the incoming freshman class, 1,656 were admitted under the Top 10 Percent Law and 527 under the race-adjusted AI/PAI criteria. Of the 1,656 Hispanic students automatically admitted under the Top 10 Percent Law, 966 enrolled in the incoming freshman class and 690 of these automatically admitted Hispanic students did not. There were 278 Hispanic students admitted to the 2005 incoming freshman class under the race-adjusted AI/PAI criteria who enrolled at UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1, Table 1-A, Table 2.

93. In 2007, the most recent year for which there is data under the Top 10-Race- Based Plan, 27,237 students applied for admission to UT Austin's incoming freshman class, 1,952 of whom were African-American students, and 5,335 of whom were Hispanic students. Thus, 7.2 percent of UT Austin's pool of applicants for the incoming freshman class were African-American students, and 19.6 percent of UT Austin's pool of applicants for the incoming

freshman class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

94. In 2007, the most recent year for which there is data under the Top 10-Race-Based Plan, UT Austin admitted 13,800 students to its incoming freshman class, 747 of whom where African-American students and 2,632 of whom were Hispanic students. Thus, 5.4 percent of UT Austin's admitted class were African-American students, and 19.1 percent of UT Austin's admitted class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

95. In 2007, the most recent year for which there is data under the Top 10-Race-Based Plan, 7,485 students enrolled in UT Austin's incoming freshman class, 431 of whom where African-American students and 1,472 of whom were Hispanic students. Thus, 5.8 percent of UT Austin's enrolled class were African-American students, and 19.7 percent of UT Austin's enrolled class were Hispanic students. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1.

96. In 2007, under the Top 10-Race-Based Plan, out of the 747 African-American students admitted into the incoming freshman class, 485 were admitted under the Top 10 Percent Law and 262 under the race-adjusted AI/PAI race-based criteria. Of the 485 African-American

students admitted under the Top 10 percent law, 284 enrolled in the incoming freshman class and 201 of the automatically admitted African-American students did not. There were 147 African-American students admitted to the 2007 incoming freshman class under the race-adjusted AI/PAI criteria who enrolled at UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1, Table 1-A, Table2.

97. In 2007, under the Top 10-Race-Based Plan, out of the 2,632 Hispanic students automatically admitted into the incoming freshman class, 1,974 were admitted under the Top 10 Percent Law and 658 under the race-adjusted AI/PAI criteria. Of the 1,974 Hispanic students automatically admitted under the Top 10 Percent Law, 1,109 enrolled in the incoming freshman class and 865 of these automatically admitted Hispanic students did not. There were 363 Hispanic students admitted to the 2007 incoming freshman class under the race-adjusted AI/PAI criteria who enrolled at UT Austin. *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin* (October 2007), Table 1, Table 1-A, Table 2.

98. Under *Grutter*, UT Austin's race-based admissions policies are not narrowly tailored as a matter of law because UT Austin failed to consider and take advantage of alternative race-neutral means of achieving diversity prior to implementing their racially discriminatory policies.

99. Institutions cannot use race-conscious admissions policies if they can achieve racial diversity through the use of race-neutral alternatives.

100. UT Austin failed to consider and take advantage of the obvious and proven alternative of continued utilization of the Top 10-AI/PAI Plan, which had demonstrated success in promoting diversity, a fact UT Austin has acknowledged and even lauded. In each year since the enactment of the Top 10 Percent Law, UT Austin has failed to attract numerous automatically admitted minority students to enroll. In 2007, there were 201 African-American students and 865 Hispanic students who were automatically admitted to UT Austin under the Top 10 Percent Law who chose not to enroll at UT Austin.

101. UT Austin also failed to consider and take advantage of numerous other available race-neutral alternatives, including but not limited to options such as increased minority recruitment and outreach efforts, focus on socio-economically disadvantaged students through increased availability and funding for financial aid and scholarships, financial and resource investment in low-performing elementary and secondary schools, and partnerships with private and not-for-profit institutions, such as the College Board and College Summit.

102. UT Austin's precipitous return to race-based admissions criteria ignored the success UT Austin achieved with regard to student body diversity under the Top 10 Percent Law, failed to consider the use of other race-neutral options, and therefore, does not meet

the narrow tailoring requirement of the Fourteenth Amendment.

103. UT Austin's use of racial preferences in addition to its Top 10 Percent Law is not narrowly tailored. It has had a pervasive negative effect on non-minority applicants, while producing only marginal increases in minority admissions and enrollment to UT Austin.

## PLAINTIFFS' APPLICATIONS TO UT AUSTIN

### *Abigail Noel Fisher*

104. On or about January 27, 2008, Ms. Fisher applied to the undergraduate program at UT Austin, seeking to be admitted to the 2008 entering freshmen class. Upon submitting her application, Ms. Fisher paid a $50.00 application fee and subsequently paid a $50.00 housing deposit.

105. At the time of her application to UT Austin, Ms. Fisher had a 5.1111 grade point average on a weighted 6.0 scale and/or a 3.5926 grade point average on a 4.0 scale at Stephen F. Austin High School.

106. At the time of her application to UT Austin, Ms. Fisher's class rank was 82 out of 674 students in her graduating class. Ms. Fisher was ranked in approximately the top 12 percent of her class at Stephen F. Austin High School.

107. Ms. Fisher received recognition for academic excellence at Stephen F. Austin High School for having

scored above 80 in all of her classes during her freshman, junior and senior years at Stephen F. Austin High School.

108. Ms. Fisher took the SAT and scored a 500 on the critical reading portion of the exam and a 680 on the math portion of the exam for a total of 1180. Ms. Fisher's SAT scores are competitive with the historical SAT scores of students who enroll at UT Austin's undergraduate program.

109. The 25/75 percentile SAT scores for students who enrolled in UT Austin's 2006 incoming freshman class are 1120-1370. *See* US News & World Report http://colleges.usnews.rankingsandreviews.com/usnews/edu/college/directory/brief/drglance_3658_brief.php.

110. Ms. Fisher engaged in a number of extra-curricular activities during her high school career. Ms. Fisher is a member and co-president of the Stephen F. Austin High School orchestra. Indeed, Ms. Fisher is an accomplished cellist, having been a member of not only the Stephen F. Austin High School orchestra, but also city and regional youth orchestras. Ms. Fisher also competes in math competitions, and she has competed in co-educational sports, including soccer and bowling. In addition, Ms. Fisher does volunteer work and community service ranging from Habitat for Humanity to playing holiday music in a local nursing home.

111. Ms. Fisher's application to UT Austin's undergraduate program reflects that she has expressed an interest in studying finance.

112. Because Ms. Fisher's class rank at Stephen F. Austin High School fell outside of the top 10 percent, her application for admission was considered under the race-adjusted AI/PAI criteria.

113. On or about March 25, 2008, Ms. Fisher received a rejection letter from UT Austin signed by Defendant Bruce Walker, Vice Provost and Director of Admissions, explaining that her application for admission to UT Austin's undergraduate program had been rejected. *See* Ex. A.

114. UT Austin offered Ms. Fisher admission to UT Austin's Coordinated Admission Program ("CAP"). Students who enroll in CAP may enroll in a participating University of Texas System campus; students who fulfill the requirements of CAP may then enroll at UT Austin after their freshman year, but are guaranteed admission into only the College of Liberal Arts or the College of Natural Sciences. The requirements of CAP include the completion of at least 30 transferable semester credit hours and a minimum 3.2 GPA on all hours attempted while enrolled in CAP. *See* Ex. A.

115. Students who wish to enroll in CAP must complete an online acceptance agreement on UT Austin's website by May 1, 2008.

116. Under the procedures for admission at UT, students who are admitted to UT Austin's 2008 incoming freshman class must make payment to UT Austin in the amount of $200 in order to secure a place in the incoming

freshman class. This $200 enrollment deposit becomes nonrefundable after May 1, 2008.

117. Ms. Fisher has applied and been admitted to the undergraduate program at Louisiana State University ("LSU"). On the basis of her academic and personal achievements, Ms. Fisher has received a Tigers Scholar Award, entitling her to a partial scholarship in the amount of $2,075 to LSU. The deadline to accept her offer of admission and the Tigers Scholar Award is May 1, 2008. If Ms. Fisher elects to enroll at LSU, all tuition and fees for the 2008 Fall semester are due by August 7, 2008.

118. Ms. Fisher has applied and been admitted to the undergraduate program at Baylor University ("Baylor"). On the basis of her academic and personal achievements, Baylor awarded Ms. Fisher a partial scholarship in the amount of $3,500. In order to secure a place in the 2008 incoming freshman class at Baylor, Ms. Fisher must make an enrollment deposit in the amount of $300 by May 1, 2008. If Ms. Fisher elects to enroll at Baylor, all tuition and fees for the 2008 Fall semester are due by July 31, 2008.

119. Ms. Fisher has been injured by UT Austin's use of racial preferences because she was not considered on an equal basis with African-American and Hispanic applicants who applied for admission to the same incoming freshman class at UT Austin.

120. On information and belief, given Ms. Fisher's record of achievement, it is likely that her application

would have been accepted and she would have been admitted into UT Austin's undergraduate program but for UT Austin's use of race-based criteria in its admissions decisions.

121. As an applicant ineligible for the race-based admissions preference employed by UT Austin, Ms. Fisher was injured by the University's race-based criteria when she was considered for admission under the Top 10-Race-Based Plan and ultimately refused admission to the UT Austin's undergraduate program on the basis of her race.

122. Unless enjoined by this Court, Defendants will continue to implement race-based admissions policies and procedures which prevent future non-minority applicants from having their applications considered on a race-neutral basis and, with respect to Ms. Fisher, from gaining admission to UT Austin in violation of her rights under the United States Constitution and federal law.

123. Without a remedy from this Court, Ms. Fisher will have been denied the opportunity to compete for admission to UT Austin's undergraduate program on an equal basis with African-American and Hispanic applicants because of Defendants' racially discriminatory admissions policies.

124. Without a remedy from this Court, Ms. Fisher will have been deprived of the opportunity to attend the UT Austin, an injury that cannot be redressed by money damages.

*Appendix C*

***Rachel Multer Michalewicz***

125. On or about November 12, 2007, Ms. Michalewicz applied to the undergraduate program at UT Austin, seeking to be admitted to the 2008 entering freshmen class. Upon submitting her application, Ms. Michalewicz paid a $50.00 application fee and subsequently paid a $50.00 housing deposit.

126. At the time of her application to UT Austin, Ms. Michalewicz had a 3.867 grade point average on a 4.0 scale at Jack C. Hays High School.

127. At the time of her application to UT Austin, Ms. Michalewicz's class rank was 36 out of 355 students in her graduating class. Ms. Michalewicz was ranked in the top 10.14 percent of her class at Jack C. Hays High School according to UT Austin.

128. Ms. Michalewicz received recognition as an Advanced Placement Scholar by the College Board for receiving a grade of 3 or higher on three Advanced Placement exams.

129. Ms. Michalewicz took the SAT and scored a 670 on the critical reading portion of the exam and a 620 on the math portion of the exam for a total of 1290. Ms. Michalewicz's SAT scores are competitive with the historical SAT scores of students who enroll at UT Austin's undergraduate program.

130. Ms. Michalewicz engaged in a number of extra-curricular activities during her high school career. Ms.

Michalewicz is a member of the Jack C. Hays High School Marching Band, Jazz Band/Concert Band, and the Math Club. Ms. Michalewicz participated in Junior ROTC during her freshman and sophomore years at Jack C. Hays high school. Ms. Michalewicz also volunteered with the St. Vincent DePaul Food Bank and participated in Cast Event for Kids, a fishing event for handicapped children. Ms. Michalewicz also worked 20 hours per week at HEB Grocery Store in Kyle, Texas.

131. Ms. Michalewicz's application to UT Austin's undergraduate program reflects that she has expressed an interest in studying Asian Cultures and Languages.

132. Because Ms. Michalewicz's class rank at Jack C. Hays High School fell outside of the top 10 percent according to UT Austin, her application for admission was considered under the race-adjusted AI/PAI criteria.

133. On or about March 24, 2008, Ms. Michalewicz received a rejection letter from UT Austin signed by Defendant Bruce Walker, Vice Provost and Director of Admissions, explaining that her application for admission to UT Austin's undergraduate program had been rejected. UT Austin offered Ms. Michalewicz admission to the CAP program. *See* Ex. B.

134. Ms. Michalewicz appealed her denial of admission on March 26, 2008. Ex. C. Ms. Michalewicz informed UT Austin that Jack C. Hays High School considered her in the Top 10 percent of her class. Ex. D. Ms. Michalewicz received an informal response from UT Austin explaining that UT Austin disagreed with, and was therefore

rejecting, the method of calculating class rank employed by Jack C. Hays High School. According to UT Austin, Ms. Michalewicz falls within the top 11% of her high school class. Subsequently, Ms. Michalewicz's appeal was formally rejected by UT Austin.

135. Ms. Michalewicz has applied and been admitted to the undergraduate program at Texas State University-San Marcos ("Texas State"). If Ms. Michalewicz elects to enroll at Texas State, all non-refundable tuition and fees for the 2008 Fall semester are due by August 26, 2008.

136. Ms. Michalewicz has been injured by UT Austin's use of racial preferences because she was not considered on an equal basis with African-American and Hispanic applicants who applied for admission to the same incoming freshman class at UT Austin.

137. On information and belief, given Ms. Michalewicz's record of achievement, it is likely that her application would have been accepted and she would have been admitted into UT Austin's undergraduate program but for UT Austin's use of race-based criteria in its admissions decisions.

138. As an applicant ineligible for the race-based admissions preference employed by UT Austin, Ms. Michalewicz was injured by the University's race-based criteria when she was considered for admission under the Top 10-Race-Based Plan and ultimately refused admission to the UT Austin's undergraduate program on the basis of her race.

139. Unless enjoined by this Court, Defendants will continue to implement race-based admissions policies and procedures which will prevent future non-minority applicants from having their applications considered on a race-neutral basis and, with respect to Ms. Michalewicz, from gaining admission to UT Austin in violation of her rights under the United States Constitution and federal law.

140. Without a remedy from this Court, Ms. Michalewicz will have been denied the opportunity to compete for admission to UT Austin's undergraduate program on an equal basis with African-American and Hispanic applicants because of Defendants' racially discriminatory admissions policies.

141. Without a remedy from this Court, Ms. Michalewicz will have been deprived of the opportunity to attend the UT Austin, an injury that cannot be redressed by money damages.

## PLAINTIFFS' CLAIMS

### *Count I—Violation of the Fourteenth Amendment to the United States Constitution*

142. Plaintiffs incorporate the allegations and averments contained in paragraphs 1-141 as if fully set forth herein.

143. The Fourteenth Amendment to the United States Constitution forbids the States from "deny[ing] to any

person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1.

144. In order to survive constitutional scrutiny, racial classifications must be narrowly tailored to further compelling government interests.

145. To the extent that UT Austin articulates an interest in promoting "student body diversity," Plaintiffs do not challenge this interest.

146. Narrow tailoring requires "serious, good faith consideration of workable race-neutral alternatives that will achieve" the compelling government interest.

147. When UT Austin elected to resume employing racial preferences in its undergraduate admissions decisions following *Grutter*, it failed to consider and take advantage of numerous obvious and proven race-neutral means to achieve diversity.

148. UT Austin failed to consider any race-neutral alternatives. Rather, it reflexively resumed employing racial preferences immediately following the Supreme Court's decision in *Grutter*.

149. UT Austin failed to consider and fully take advantage of the Top 10 Percent Law, which UT Austin previously had lauded as successfully promoting diversity, and other race-neutral alternatives to meets its diversity interest.

150. UT Austin also failed to consider and fully take advantage of the existing race-neutral AI/PAI criteria that successfully produced a diverse student body.

151. UT Austin's use of racial preferences in addition to its Top 10 Percent Law has had a pervasive negative effect on non-minority applicants, while producing only marginal increases in minority admissions and enrollment to UT Austin.

152. Because UT Austin failed to consider race-neutral alternatives before employing racial preferences in its undergraduate admissions decisions, UT Austin has violated the Fourteenth Amendment.

153. Because UT Austin could have achieved the same or substantially similar levels of diversity through race-neutral means, UT Austin's admissions policies are not narrowly tailored and, therefore, violate the Fourteenth Amendment.

154. Plaintiffs were deprived of their rights under the Fourteenth Amendment because UT Austin failed to consider their applications for undergraduate admission on an equal basis with the applications of the African-American and Hispanic students.

155. Plaintiffs were injured because UT Austin failed to consider their applications for undergraduate admission on an equal basis with the applications of the African-American and Hispanic students.

156. Plaintiffs were injured by UT Austin's use of racial preferences because each was rejected for admission to UT Austin's undergraduate program on account of their race.

157. Plaintiffs are entitled to both preliminary and permanent injunctive relief against Defendants because there is no plain, adequate, or speedy remedy at law to prevent Defendants from continuing to discriminate on the basis of race in their admissions policies and procedures and because the harm Plaintiffs have suffered and will otherwise continue to suffer is irreparable. Plaintiffs are also entitled to monetary damages incurred when they submitted applications for admission to UT Austin's 2008 freshman class that were not considered on an equal basis with the applications of African-American and Hispanic applicants.

***Count II-Violation of 42 U.S.C. §§ 1981 & 1983***

158. Plaintiffs incorporate the allegations and averments contained in paragraphs 1-157 as if fully set forth herein.

159. Defendants acted under color of law in developing and implementing race-based policies and procedures that led UT Austin to deny Plaintiffs equal protection of the laws and to discriminate against them in violation of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §§ 1981 and 1983.

160. Plaintiffs were deprived of their rights under the Fourteenth Amendment because UT Austin failed to

consider their applications for undergraduate admission on an equal basis with the applications of African-American and Hispanic students.

161. Plaintiffs are entitled to both preliminary and permanent injunctive relief against Defendants because there is no plain, adequate, or speedy remedy at law to prevent Defendants from continuing to discriminate on the basis of race in their admissions policies and procedures and because the harm Plaintiffs have suffered and will otherwise continue to suffer is irreparable. Plaintiffs are also entitled to monetary damages incurred when they submitted applications for admission to UT Austin's 2008 freshman class that were not considered on an equal basis with the applications of African-American and Hispanic applicants.

***Count III—Violation of 42 U.S.C. § 2000d et seq.***

162. Plaintiffs incorporate the allegations and averments contained in paragraphs 1-161 as if fully set forth herein.

163. UT Austin, a recipient of federal funds, discriminated against Plaintiffs on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*

164. Plaintiffs are entitled to both preliminary and permanent injunctive relief against Defendants because there is no plain, adequate, or speedy remedy at law to prevent Defendants from continuing to discriminate on the basis of race in their admissions policies and procedures

and because the harm Plaintiffs have suffered and will otherwise continue to suffer is irreparable. Plaintiffs are also entitled to monetary damages incurred when they submitted applications for admission to UT Austin's 2008 freshman class that were not considered on an equal basis with the applications of African-American and Hispanic applicants.

## RELIEF SOUGHT

165. Wherefore, Plaintiffs pray for the following relief as to all counts:

(a) A preliminary injunction requiring Defendants to re-evaluate Plaintiffs for admission to the undergraduate program at UT Austin under race-neutral means in accordance with the Fourteenth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and federal civil rights statutes 42 U.S.C. §§ 1981 and 1983;

(b) A preliminary injunction requiring Defendants to admit Plaintiffs to UT Austin's undergraduate program so long as each is qualified under race-neutral criteria;

(c) A declaratory judgment from the Court that Defendants' admissions policies and procedures violate the Fourteenth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and federal civil rights statutes 42 U.S.C. §§ 1981 and 1983;

(d) A permanent injunction prohibiting Defendants from using race as a factor in future undergraduate student admissions decisions at UT Austin;

(e) A permanent injunction requiring Defendants to re-evaluate Plaintiffs for admission to the undergraduate program at UT Austin under race-neutral criteria;

(f) A permanent injunction requiring Defendants to admit Plaintiffs to UT Austin's undergraduate program so long as each is qualified under race-neutral criteria;

(g) Monetary damages in the form of refund of application fees and all associated expenses incurred by Plaintiffs in connection with applying for admission to UT Austin;

(h) Attorneys fees and costs under 42 U.S.C. § 1988 and any other applicable legal authority; and

(i) All other relief this Court finds appropriate and just.

*Appendix C*

Respectfully submitted,


| | |
|---|---|
| BERT W. REIN | /s/ |
| THOMAS R. MCCARTHY | PAUL M. TERRILL |
| SUZZETTE RODRIGUEZ HURLEY | Texas State Bar No. 00785094 |
| DAVID C. RYBICKI | JOSHUA D. KATZ |
| *(admitted pro hac vice)* | *(admitted pro hac vice)* |
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*Counsel for Plaintiffs*


Dated: August 13, 2008

## APPENDIX D — ANSWER OF DEFENDANTS TO PLAINTIFFS' SECOND AMENDED COMPLAINT, FILED AUGUST 22, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CIVIL ACTION NO. 1:08-CV-00263-SS

ABIGAIL NOEL FISHER and
RACHEL MULTER MICHALEWICZ,

*Plaintiffs,*

v.

UNIVERSITY OF TEXAS AT AUSTIN, et al.

*Defendants.*

**ANSWER OF DEFENDANTS UNIVERSITY OF TEXAS AT AUSTIN, KENNETH I. SHINE, DAVID B. PRIOR, WILLIAM POWERS, JR., BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, JOHN W. BARNHILL, JR., H. SCOTT CAVEN, JR. JAMES R. HUFFINES, JANIECE LONGORIA, COLLEEN McHUGH, ROBERT B. ROWLING, JAMES D. DANNENBAUM, PAUL FOSTER, PRETICE L. GARY, AND BRUCE WALKER TO PLAINTIFFS' SECOND AMENDED COMPLAINT**

*Appendix D*

TO THE HONORABLE SAM SPARKS:

Defendants University of Texas at Austin ("UT Austin"); Kenneth I. Shine;[1] David B. Prior; William Powers, Jr.; Board of Regents of the University of Texas System, John W. Barnhill, Jr., H. Scott Caven, Jr., James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Printice L. Gary; and Bruce Walker (all individuals are sued in their official capacities only) (collectively, "Defendants") file their Answer to Plaintiffs' Second Amended Complaint and respectfully show the Court as follows:

***ANSWER***

Pursuant to Federal Rule of Civil Procedure 8(b), the Defendants deny each and every allegation contained in Plaintiffs Second Amended Complaint except for those expressly admitted herein. These numbered paragraphs correspond to the paragraphs within the body of Plaintiff's Original Petition:

**NATURE OF THE ACTION**

1. Defendants state that there is no need to admit or deny the allegations of this paragraph, except to the extent that Defendants deny the undergraduate admissions program at UT Austin illegally discriminates against Plaintiffs and violates their constitutional rights or any federal civil rights statutes.

---

1. Dr. Shine was substituted for Dr. Yudof by the Court's order of August 13, 2008.

2. Defendants state that there is no need to admit or deny the allegations of this paragraph.

3. Defendants state that there is no need to admit or deny the allegations of this paragraph.

4. Defendants state that there is no need to admit or deny the allegations of this paragraph.

## JURISDICTION AND VENUE

5. Admit.

6. Admit.

## THE PARTIES

### *Plaintiffs*

7. Admit to the extent that Defendants have knowledge based on Ms. Fisher's application to UT Austin.

8. Admit to the extent that Defendants have knowledge based on Ms. Fisher's application to UT Austin.

9. Deny. Defendants aver that, based Ms. Fisher's high school records that are part of her admissions file, at the time of her application, Ms. Fisher maintained a 5.1020 grade point average on a weighted 6.0 scaled and/or a 3.5714 grade point average on a 4.0 scale at Stephen F. Austin High School.

10. Defendants deny the first sentence and, based on Ms. Fisher's high school records that are part of her UT Austin admissions file, aver that, at the time of her application, Ms. Fisher was ranked 81 out of 680 students in her graduating class. Defendants admit the second sentence.

11. Admit.

12. Admit.

13. Defendants deny and aver that Ms. Michalewicz's high school records that are part of her UT Austin admissions file show that Ms. Michalewicz is currently 18 years old.

14. Admit to the extent that Defendants have knowledge based on Ms. Michalewicz's application to UT Austin.

15. Admit.

16. Admit.

17. Admit.

***Defendants***

18. Admit.

19. Admit.

20. Defendants deny that Mark Yudof is the current Chancellor of the University of Texas System (the "UT

System"), aver that Kenneth I. Shine, M.D., is the Interim Chancellor of the UT System, and admit to the first, second and fourth sentences. Defendants admit the third sentence to the extent that the Chancellor is responsible for all aspects of UT System operations and that the then-current Chancellor reviewed and approved UT Austin's admissions policy; however, to the extent that the word "implement" means administer, supervise, or something similar, Defendants deny that the Chancellor had such duties.

21. Admit.

22. Defendants state that no response is required to this paragraph because Barry Burgdorf was dismissed from this action by the Court's order dated May 19, 2008.

23. Admit.

24. Defendants admit the first sentence, except aver that Bruce Walker is Vice Provost and Director of Admissions at UT Austin. Defendants admit the second, third and fourth sentences.

**UT AUSTIN'S UNDERGRADUATE ADMISSIONS PROCESS**

25. Admit.

26. Defendants admit in part; deny in part. Defendants aver that UT Austin has modified its undergraduate admissions policies over time in response to judicial decisions in the federal courts regarding the

use of race as a factor in admissions decisions. Defendants further aver that admission policies, however, have also been impacted by legislation, such as House Bill 588, Section 51.803 of the Texas Education Code (with the accompanying administrative regulations promulgated by the Texas Higher Education Coordinating Board, the "Top 10 Percent Law"), the desire to recruit and retain students, and the need to manage the size of student enrollment.

***UT Austin's Pre-Hopwood Admissions Policies***

27. Defendants admit in part; deny in part. Defendants aver that UT Austin did not employ solely race-based criteria; rather, race, along with other factors such as class rank, test scores, and curriculum, were used in making admission decisions.

28. Admit.

29. Admit.

30. Defendants admit that the quotation in the sentence is correct and to the extent that *exclusive* reliance on predicted freshman grade point average for admissions decisions "would have produced classes with unacceptably low diversity levels."

31. Admit.

32. Defendants admit the first sentence, except for Plaintiffs' characterization of UT Austin's Pre-*Hopwood*

admissions policies as "Race-Based Plan." Defendants admit the second sentence.

33. Defendants admit the first sentence, except for Plaintiffs' characterization of UT Austin's Pre-*Hopwood* admissions policies as "Race-Based Plan." Defendants admit the second sentence.

34. Defendants admit the first sentence, except for Plaintiffs' characterization of UT Austin's Pre-*Hopwood* admissions policies as "Race-Based Plan." Defendants admit the second sentence.

### *The* Hopwood *Case*

35. Defendants state that there is no need to admit or deny the allegations of this paragraph.

36. Defendants state that there is no need to admit or deny the allegations of this paragraph.

37. Admit.

38. Defendants admit the allegations of this paragraph, except for Plaintiffs' characterization of UT Austin's admissions policies as "Race-Based Plan."

### *UT Austin's Post-* Hopwood *Admissions Policies*

39. Admit.

40. Defendants admit to the extent that evaluation of undergraduate applicants included test scores and

essays, as well as academic performance and personal achievement.

41. Admit.

42. Defendants admit, except aver that an applicant's AI takes into account whether the applicant exceeded UT Austin-required high school curriculum.

43. Admit.

44. Admit.

45. Admit.

46. Admit.

47. Admit.

48. Admit.

***The Top 10% Law***

49. Admit.

50. Deny. Defendants aver that the Top 10 Percent Law, which must be read in conjunction with administrative regulations promulgated by the Texas Higher Education Coordinating Board and other applicable policies, provides additional admission requirements for students ranked in the top ten percent of their high school class.

*Appendix D*

51. Admit.

52. Admit.

53. Admit.

54. Defendants admit, except aver that the second sentence fails to take into account certain variances due to scholarship programs, admissions processes for academically extraordinary students, and certain portfolio or audition requirements that may exist for certain programs.

55. Defendants admit, except aver that the allegation fails to take into account certain variances due to scholarship programs, admissions processes for academically extraordinary students, and certain portfolio or audition requirements that may exist for certain programs.

56. Admit.

57. Deny.

58 Admit that former UT Austin President Larry Faulkner is quoted correctly, though not in context, and aver that the demographics have changed since 1996.

59. Admit that former UT Austin President Larry Faulkner is quoted correctly, and aver that the statistics quoted include the program's individualized and nuanced consideration of applicants' academic and personal achievements.

60. Defendants deny and aver that the sentence from which the quote is taken states "The University of Texas at Austin has effectively compensated for the loss of affirmative action, partly by increasing recruiting and financial aid for minority students."

61. Admit.

62. Defendants admit in part, deny in part. Defendants aver that Plaintiffs' quotations are accurate as far as they go; however, they are misleading in that four sentences are edited and incomplete, leading to a misunderstanding of the article. The entire paragraphs selectively quoted read:

> Diversity efforts at The University of Texas at Austin have brought a higher number of freshman minority students—African Americans, Hispanics and Asian Americans—to the campus than were enrolled in 1996, the year a court ruling ended the use of affirmative action in the university's enrollment process.
>
> A report by the university's Office of Institutional Research for the 2002 fall/summer enrollment shows there were 266 African Americans, 932 Hispanics and 942 Asian Americans enrolled as first-time freshmen at the university in 1996. The numbers of African Americans and Hispanics dropped after the Hopwood ruling, although the figures for Asian Americans increased. In 1997, the numbers for first-time

freshmen were down to 190 African Americans, 892 Hispanics and 1,130 Asian Americans.

More recent enrollment figures show a more encouraging trend. The summer/fall 2002 semester report shows that first-time freshmen enrollment for all three ethnic groups has increased to a level above the 1996 pre-Hopwood figures. Minority enrollment last fall included 272 African Americans, 1,137 Hispanics and 1,452 Asian Americans.

63. Admit.

64. Admit.

65. Admit.

66. Admit.

67. Admit.

***The* Grutter *Decision***

68. Defendants state that there is no need to admit or deny the allegations of this paragraph.

69. Defendants state that there is no need to admit or deny the allegations of this paragraph.

70. Defendants state that there is no need to admit or deny the allegations of this paragraph.

71. Defendants state that there is no need to admit or deny the allegations of this paragraph.

72. Defendants state that there is no need to admit or deny the allegations of this paragraph.

73. Defendants state that there is no need to admit or deny the allegations of this paragraph.

74. Defendants state that there is no need to admit or deny the allegations of this paragraph.

75. Defendants state that there is no need to admit or deny the allegations of this paragraph.

***UT Austin's* Post-Grutter *Admissions Policies***

76. Deny.

77. Defendants are unable to admit or deny as they are not in possession of a copy of the article referenced in this paragraph.

78. Defendants admit that the quote is accurate, but aver that it is edited and, thus, incomplete.

79. Defendants admit that the quote is accurate and aver that it is consistent with the Supreme Court's mandate in *Grutter*.

80. Defendants admit that the quote is accurate and aver that it is consistent with the Supreme Court's mandate in *Grutter*.

81. Defendants admit that the quote is accurate and aver that it is consistent with the Supreme Court's mandate in *Grutter*.

82. Defendants admit in part, deny in part. Defendants aver that the Board of Regents passed a resolution on August 6, 2003, that, among other things, authorized each UT System institution to "develop and propose plans regarding whether to consider an applicant's race and ethnicity as part of the component's admissions or financial assistance policies in accordance with the standards enunciated in the recent Supreme Court cases of *Grutter v. Bollinger* and *Gratz v. Bollinger*." http://www.utsystem.edu/BORMinutes/2000-current/8-03meeting969.pdf, at pp. 4-5.

83. Defendants admit except as to the use of the term "race-based criteria."

84. Defendants admit except as to the use of the term "race-adjusted AI/PAI criteria."

85. Defendants admit except as to the use ofthe term "Top 10-Race-Based Plan."

86. Deny. Defendants aver that race may or may not play a role in the applications of candidates of all races as endorsed by the Supreme Court in *Grutter*.

87. Defendants deny the first sentence and admit the second.

88. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

89. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

90. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

91. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

92. Defendants admit except as to the use of the term "Top 10-Race-Based-Plan" and "race-adjusted AI/PAI criteria."

93. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

94. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

95. Defendants admit except as to the use of the term "Top 10-Race-Based Plan."

96. Defendants admit except as to the use of the term "Top 10-Race-Based Plan" and "race-adjusted AI/PAI criteria."

97. Defendants admit except as to the use of the term "Top 10-Race-Based Plan" and "race-adjusted AI/PAI criteria."

98. Deny.

99. Defendants state that there is no need to admit or deny the allegations of this paragraph.

100. Defendants deny the first sentence, admit the second sentence to the extent that some minorities who were admitted did not enroll, and admit the third sentence.

101. Deny.

102. Deny.

103. Deny.

**PLAINTIFFS' APPLICATIONS TO UT AUSTIN**

***Abigail Noelle Fisher***

104. Admit.

105. Defendants deny and aver that, based on her high school records that are part of her admissions file, at the time of her application, Ms. Fisher maintained a 5.1020 grade point average on a weighted 6.0 scaled and/or a 3.5714 grade point average on a 4.0 scale at Stephen F. Austin High School.

106. Defendants deny the first sentence and aver that, based on her high school records that are part of her admissions file, at the time of her application, Ms. Fisher was ranked 81 out of 680 students in her graduating class. Defendants admit the second sentence.

107. Defendants admit to the extent that Defendants have knowledge based on Ms. Fisher's application to UT Austin.

108. Admit.

109. Defendants are unable to admit or deny as they are not in possession of a copy of the article referenced in this paragraph and the web address provided does not publicly provide the information.

110. Defendants admit to the extent that Defendants have knowledge based on Ms. Fisher's application to UT Austin.

111. Defendants admit to the extent that Ms. Fisher's application reflects that she applied to the College of Business.

112. Defendants admit that Ms. Fisher's class rank fell outside the top 10 percent of her high school class and that her application for admission was holistically reviewed consistent with the UT Austin's admissions policy.

113. Admit.

114. Admit.

115. Admit.

116. Admit.

117. Defendants are without knowledge that would allow them to admit or deny the allegations contained in this paragraph.

118. Defendants are without knowledge that would allow them to admit or deny the allegations contained in this paragraph.

119. Deny.

120. Deny.

121. Deny.

122. Deny.

123. Deny.

124. Deny.

***Rachel Multer Michalewicz***

125. Admit.

126. Admit.

127. Admit.

128. Defendants admit to the extent that Defendants have knowledge based on Ms. Michalewicz's application to UT Austin.

129. Admit.

130. Defendants admit to the extent that Defendants have knowledge based on Ms. Michalewicz's application to UT Austin.

131. Admit.

132. Defendants admit that Ms. Michalewicz's class rank fell outside the top 10 percent of her high school class and that her application for admission was holistically reviewed consistent with the UT Austin's admissions policy.

133. Admit.

134. Admit.

135. Defendants are without knowledge that would allow them to admit or deny the allegations contained in this paragraph.

136. Deny.

137. Deny.

138. Deny.

139. Deny.

140. Deny.

141. Deny.

## PLAINTIFFS' CLAIMS

### *Count I-Violation of the Fourteenth Amendment to the United States Constitution*

142. Defendants incorporate their responses to paragraphs 1 through 141 of the Amended Complaint as if fully set forth herein.

143. Defendants state that this paragraph contains conclusions of law to which no response is required.

144. Defendants state that this paragraph contains conclusions of law to which no response is required.

145. Defendants state that this paragraph contains conclusions of law to which no response is required.

146. Defendants state that this paragraph contains conclusions of law to which no response is required.

147. Deny.

148. Deny.

149. Deny.

150. Deny.

151. Deny.

152. Deny.

153. Deny.

154. Deny.

155. Deny.

156. Deny.

157. Deny.

***Count II-Violation of 42 U.S.C. §§ 1981 and 1983***

158. Defendants incorporate their responses to paragraphs 1 through 157 of the Amended Complaint as if fully set forth herein.

159. Defendants state that this paragraph contains conclusions of law to which no response is required.

160. Deny.

161. Deny.

***Count II-Violation of 42 U.S.C. §§ 1981 and 1983***

162. Defendants incorporate their responses to paragraphs 1 through 162 of the Amended Complaint as if fully set forth herein.

163. Deny.

*Appendix D*

164. Deny.

**RELIEF SOUGHT**

165. Defendants state that this paragraph contains conclusions of law to which no response is required.

***AFFIRMATIVE DEFENSES***

1. UT Austin asserts that it is entitled to "Eleventh Amendment immunity" from claims brought under 42 U.S.C. §§ 1981 and 1983.

2. At all times relevant to this cause, Defendants' actions were reasonable and proper under the laws of the State of Texas and the United States.

**PRAYER**

Defendants pray that Plaintiffs take nothing by their suit.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for
Litigation

*Appendix D*

JAMES C. HO
Solicitor General

ROBERT B. O'KEEFE
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RYAN CLINTON
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/s/
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*ATTORNEYS FOR DEFENDANTS*

## APPENDIX E — PLAINTIFFS' STATEMENT OF FACTS IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT, FILED JANUARY 23, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
(Austin Division)

Civil Action No. 1:08-cv-00263-SS

ABIGAIL NOEL FISHER; and
RACHEL MULTER MICHALEWICZ

Plaintiffs,

v.

UNIVERSITY OF TEXAS AT AUSTIN; *et al.*

Defendants.

### PLAINTIFFS' STATEMENT OF FACTS IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Abigail Noel Fisher and Rachel Multer Michalewicz, through their undersigned counsel, hereby submit this Statement of Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment pursuant to Federal Rule of Civil Procedure 56 and the Orders of this Court.

*Appendix E*

## UT AUSTIN UNDERGRADUATE ADMISSIONS

1. UT Austin is selective in that each year the number of applicants seeking undergraduate admission exceeds the number of available spaces in the incoming freshman class.

(Compl. ¶ 25, Answer ¶ 25; Exhibit 6, Lavergne Dep. at 11; Exhibit 5, Ishop Dep. at 9.)

2. For the fall 2008 freshman class, UT Austin had 29,501 applicants, made 12,843 offers of admission, and enrolled 6,715 students.

(Exhibit 9, *Implementation and Results of the Texas Automatic Admission Law (HB 588) at the University of Texas at Austin*, Oct. 28, 2008, *available at* http://www.utexas.edu/student/admissions/research/HB588-Report11.pdf at 6, Table 1.)

3. UT Austin has stated that it is the mission of UT Austin "to provide an opportunity for students in the State of Texas, outside of the State of Texas, and internationally to achieve an excellent education [] at the University of Texas at Austin. The [admissions] policies are both legislative and internal. Legislatively, [UT Austin is] mandated to admit top ten percent students in the State of Texas ... [In addition, UT Austin has] developed internally an admissions policy geared towards admitting a diverse class of students representative [of] all backgrounds and all walks to [its] freshman class."

(Ex. 5 at 9.)

4. UT Austin has been recognized as one of the nation's "top producers of undergraduates for Hispanics" by *Diverse Issues in Higher Education* magazine ("according to the May 31, 2007 edition of Diverse Issues in Higher Education magazine, . . . the university ranks 10th nationally among the magazine's Top 100 producers of undergraduates for Hispanics") and one of the nation's "Best Schools for Hispanics" by *Hispanic Business* magazine.

(Exhibit 11, The University of Texas at Austin – *Rankings and Kudos, available at* http://www.utexas.edu/welcome/rankings.html.)

5. Several of UT Austin's undergraduate academic programs have been ranked highly "[a]mong undergraduate academic programs in the top 100." For example, Engineering ranks fifth for Hispanics; Mathematics ranks third for Hispanics; Biological and biomedical sciences ranks fourth for Hispanics; Social sciences ranks seventh for Hispanics; Area ethnic, cultural and gender studies ranks seventh for Hispanics; Computer and information science and support services rank 37th for Hispanics; English ranks 11th for Hispanics; and Psychology ranks 27th for Hispanics.

(Ex. 11.)

6. "Although the university enrolled the most ethnically diverse freshman class in its history during fall 2007 - 19.7 percent Hispanic students, 19.7 percent Asian-American students and 5.8 percent African-American students - it

strives to continue building a diverse student body, faculty and staff that truly reflect Texas and the entire country."

(Exhibit 21, Vincent Dep. Attachment.)

## I. History of UT Austin Undergraduate Admissions

7. Over time, UT Austin has modified its undergraduate admissions policies in response to various judicial decisions, namely *Hopwood v. Texas* and *Grutter v. Bollinger*, and in accordance with legislation, namely "The Top Ten Percent Law" - House Bill 588, Section 51.803 of the Texas Education Code (with the accompanying administrative regulations promulgated by the Texas Higher Education Coordinating Board).

### A. UT Austin Admissions Pre-*Hopwood*

8. In the years immediately prior to *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996), UT Austin employed an admissions plan which combined use of an applicant's predicted freshman grade point average and race-based affirmative action.

(Compl. ¶ 29, Answer ¶ 29; Ex. 5 at 54.)

9. An applicant's predicted freshman grade point average was calculated based on his standardized test scores (SATs and/or ACTs) and class rank.

(Compl. ¶ 28, Answer ¶ 28; Ex. 5 at 53.)

10. UT Austin's race-based affirmative action policy was designed to increase the enrollment of African-American and Hispanic students.

(Compl. ¶ 31, Answer ¶ 31.)

11. According to UT Austin, exclusive reliance on predicted freshman grade point average (without the race-based affirmative action policy) for admissions decisions "would have produced classes with unacceptably low diversity levels."

(Exhibit 25, *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin*, Dec. 6, 2007 at 2; Compl. ¶ 30, Answer ¶ 30.)

12. The last class admitted under the pre-*Hopwood* policy was the freshman class of the summer/fall of 1996.

(Compl. ¶ 38, Answer ¶ 38; Exhibit 8, Walker Dep. at 11.)

13. UT Austin maintained application, admission, and enrollment figures for 1996. (Ex. 25 at 4-5, Tables 1, 1a.)

*Appendix E*

**Application Stage**

| White | | | | African-American | | | | Total Students |
|---|---|---|---|---|---|---|---|---|
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| | | 10584 | 61.3% | | | 809 | 4.7% | 17263 |
| Hispanic | | | | Asian-American | | | | |
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| | | 2492 | 14.4% | | | - | | 17263 |

**Admission Stage**

| White | | | | African-American | | | | Total Students |
|---|---|---|---|---|---|---|---|---|
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| | | 7167 | 62.6% | | | 501 | 4.4% | 11456 |
| Hispanic | | | | Asian-American | | | | |
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| | | 1761 | 15.4% | | | - | | 11456 |

**Enrollment Stage**

| White | | | | African-American | | | | Total Students |
|---|---|---|---|---|---|---|---|---|
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| 1497 | 2662 | 4159 | 64.7% | 91 | 175 | 266 | 4.1% | 6430 |
| Hispanic | | | | Asian-American | | | | |
| Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | |
| 396 | 536 | 932 | 14.5% | 430 | 512 | 942 | 14.7% | 6430 |

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### B. The Hopwood Decision and Its Impact on UT Austin Admissions

14. *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996), held that the use of race as a factor in the admissions process of the University of Texas Law School was unlawful.

(*See also* Ex. 8 at 11-12.)

15. The Attorney General for the State of Texas interpreted *Hopwood* as prohibiting the consideration of race as a factor in undergraduate admissions at UT Austin.

(Exhibit 26, Texas Attorney General, Letter Opinion No. 97-001, Feb. 5, 1997.)

16. Consequently, UT Austin ceased using race as a factor in its undergraduate admissions and thereby terminated the race-based affirmative action policy.

(Compl. ¶ 37, Answer ¶ 37.)

### C. UT Austin's Full File Review Process

17. Beginning with the entering freshman class of 1997, UT Austin has evaluated applicants based on a determination of two numerical scores which represent an applicant's personal achievement and academic performance.

(Compl. ¶ 40, Answer ¶ 40; Ex. 8 at 11-13; Ex. 5 at 52-53.)

18. The full file review process was intended, among other things, to boost minority enrollment.

(Ex. 8 at 13.)

19. UT Austin has characterized this as a "holistic" review process.

(Compl. ¶ 40, Answer ¶ 40; Ex. 8 at 11-13; Ex. 5 at 52-53.)

20. For each applicant, UT Austin computes an Academic Index (AI) and a Personal Achievement Index (PAI).

(Compl. ¶ 41, Answer ¶ 41.)

21. An applicant's AI is determined by using an equation which considers an applicant's (1) class rank; (2) completion of UT Austin required high school curriculum; (3) the extent to which the applicant exceeds UT Austin's required units; and (4) SAT/ACT score.

(Ex. 9 at 2.)

22. An applicant's PAI is determined by a review of the full application and is based on two scores: (1) essay scores; and (2) personal achievement score.

(Ex. 9 at 2-3.)

23. Essays and personal achievements are scored on a scale of one to six.

(Ex. 9 at 3.)

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24. The equation for calculating an applicant's PAI is [(personal achievement score *4) + (mean essay score *3)]/7.

(Ex. 9 at 3.)

1. Essays

25. Each applicant must submit two essays.

(Exhibit 17, Ishop Aff. ¶ 4.)

26. Essays are scored on a scale of one to six by trained readers who consider the complexity of thought, substantiality of development, and facility with language demonstrated by the essay.

(Exhibit 4, Bremen Dep. at 10.)

27. The two required essays are also considered separately as part of the personal achievement score.

(Ex. 4 at 17-18.)

28. Applicants may also submit an optional third essay to address exceptional hardships, challenges, or opportunities that have shaped or impacted your abilities or academic credentials, personal responsibilities, exceptional achievements or talents, educational goals, or ways in which you might contribute to an institution committed to creating a diverse learning environment.

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(Exhibit 13, The University of Texas at Austin – *Admission Essays, available at* http://bealonghorn.utexas.edu/admission/essays/index.html.)

29. Optional third essays are not included in the essay score for PAI calculations, but are only considered as part of the review of an applicant's entire file.

(Ex. 5 at 78.)

30. Most students do not complete the optional third essay.

(Ex. 5 at 81.)

**2. Personal Achievement Score**

31. An applicant's personal achievement score is based on a "holistic" review of an applicant's leadership qualities; extracurricular activities; awards/honors; work experience; service to school or community; and special circumstances.

(Ex. 9 at 2; Exhibit 10, *Inter-rater Reliability of Holistic Measures Used in the Freshman Admissions Process of The University of Texas at Austin Summer/Fall 2005,* Feb. 22, 2005, *available at* http://www.utexas.edu/student/admissions/research/Inter-raterReliability2005.pdf at 4.)

32. Prior to the fall 2005 application cycle, UT Austin considered the following "special circumstances" when evaluating an applicant's personal achievement: socio-

economic status of family; single parent home; language spoken at home; family responsibilities; socio-economic status of school attended; and average SAT/ACT score of school attended in relation to applicant's own SAT/ACT score.

(Ex. 9 at 2.)

33. Each factor considered in determining an applicant's personal achievement score is meaningful.

(Ex. 8 at 45.)

34. Each factor can make a difference to an applicant's personal achievement score.

(Ex. 8 at 53.)

35. Some applicants' scores are necessarily affected by individual factors.

(Ex. 5 at 67.)

36. In evaluating personal achievement, application file readers consider the breadth and depth of an applicant's factors.

(Ex. 5 at 18; Ex. 4 at 48.)

37. Starting with the fall 2005 application cycle, UT Austin added race as a special circumstance.

(Ex. 9 at 2.)

### 3. Training for Review of Essays and Applications

38. UT Austin requires yearly training, conducted by Dr. Brian Bremen (associate professor of English at UT Austin and consultant to the College Board and UT Austin's admissions office) for its essay readers and full file readers (who review an applicant's full file).

(Ex. 4 at 9, 12, 31; Ex. 17 ¶ 13.)

39. The essay and application file readers are trained in holistic scoring.

(Ex. 4 at 9, 12, 31.)

40. No reader may participate in the admissions process without attending Dr. Bremen's training session for that year.

(Exhibit 2, UT Austin's Response to Plaintiffs' Second Discovery Requests (Aug. 19, 2008), Response to Request for Admission 1.)

41. The goal of the training, which UT Austin classifies as "rigorous," is to develop consensus and uniformity in scoring.

(Ex. 5 at 82; Ex. 4 at 29.)

42. When UT Austin added race as a factor in admissions decisions, the manner in which UT Austin reviewed

applications did not change. Race was simply added as another component to UT Austin's full file review and it became "part of the discussions in the training."

(Ex. 5 at 21.)

**a. Essay Readers**

43. For each annual training, Dr. Bremen selects approximately thirty-six sample essays for each essay topic.

(Ex. 4 at 27.)

44. Essay readers are given a set of essays, with scores pre-marked so that they can learn the differences in scoring.

(Ex. 4 at 27-28.)

45. Essay readers are then given sample essay sets to score, and repeat this process until there is a high degree of consistency of scoring across different readers.

(Ex. 4 at 28.)

46. The goal of the training is to ensure that all readers assign either the same score to any particular essay, or vary by no more than one point above or below the essay's actual score.

(Ex. 4 at 25.)

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47. Essay readers are also given a scoring guide that describes typical characteristics of essays with particular scores. For example, an essay scoring a 6 must demonstrate "clear and consistent competence," "effectively and insightfully address the writing task," be "well-organized and fully developed," and display "consistent facility in the use of language." An essay scoring a 1 "demonstrates incompetent writing," reflects "very poor organization" and "very thin development," and contains "expressions so awkward that meaning is somewhat obscured."

(Ex. 4 at 52-54; Ex. 10 at 4.)

48. Essay readers are given a training booklet of "Range Finders" consisting of sample essays that represent each score on the scoring scale to which they can refer during the reading process.

(Ex. 5 at 25.)

49. UT Austin conducts an "inter-rater reliability analysis" once every several years, to ensure consistency among readers.

(Ex. 4 at 13; Ex. 5 at 83; Ex. 10.)

50. The most recent inter-rater reliability analysis showed that essay readers scored within one point of each other between 88-90% of the time.

(Ex. 6 at 49.)

51. The senior readers are also trained on essay reading and thus are able to informally review and subtly monitor scoring.

(Ex. 5 at 85.)

**b. Full File Readers**

52. Full file readers review entire application files in order to determine applicants' personal achievement scores.

(Ex. 4 at 26-27.)

53. Full file readers review essays as a component of an applicant's file but the essays are not evaluated as a piece of writing.

(Ex. 4 at 16-17.)

54. In training Full file readers are given a sample set of files, with pre-marked scores, to exemplify each possible personal achievement score.

(Ex. 4 at 26-27.)

55. Full file readers review the sample set and conduct practice scoring rounds until there is consistency among the group.

Ex. 4 at 27-29; Ex. 5 at 83.)

56. Full file readers are given a training booklet of "Range Finders" consisting of sample application files that represent each score on the scoring scale to which they can refer during the reading process.

(Ex. 5 at 25.)

57. The most recent inter-rater reliability analysis showed that Full file readers scored within one point of each other between 88-90% of the time.

(Ex. 6 at 49.)

### D. The Passage of the Top Ten Percent Law and Its Impact on UT Austin Admissions

58. In 1997, the Texas legislature passed House Bill 588, Tex. Educ. Code § 51.803 (1997). House Bill 588 is often referred to as "HB 588" or the "Top 10 Percent Law".

(Compl. ¶ 49, Answer ¶ 49; Ex. 6 at 14.)

59. Under the Top 10 Percent Law, Texas universities, including UT Austin, guarantee admission to public high school students who are in the top ten percent of their class, after six or seven semesters, and complete standard application requirements.

(Exhibit 32, House Bill 588, Tex. Educ. Code § 51.803 (1997); Exhibit 12, The University of Texas at Austin – *Types of Applicants, available at* http://bealonghorn.utexas.edu/freshmen/after-you-apply/applicant-types/index.html; Ex. 5 at 15.)

60. The Top 10 Percent Law applies to every public high school in Texas, as well as every private high school that ranks its students and makes those rankings available to university admissions officers.

(Ex. 32; Ex. 5 at 16.)

61. Students admitted pursuant to the Top 10 Percent Law do not fill UT Austin's entire freshman class.

(Compl. ¶ 53, Answer ¶ 53.)

62. The Top 10 Percent Law guarantees every Top 10 Percent applicant admission to UT Austin, but not necessarily to the applicant's preferred academic program at UT Austin.

(Ex. 5 at 14.)

63. At UT Austin, Top 10 Percent applicants who are not admitted to their first or second choice academic programs will be admitted to the Liberal Arts College as undeclared majors.

(Ex. 5 at 17.)

64. The Top 10 Percent Law effectively creates a large pre-qualified applicant pool for UT Austin, including a large number of pre-qualified minority applicants.

(Compl. ¶ 51, Answer ¶ 51.)

65. The legislative history of the Top 10 Percent Law indicates that the goal of the law was to not only "ensure a highly qualified pool of students each year in the state's higher educational system" but also to promote diversity among the applicant pool in order to "ensure that a large, well qualified pool of minority students [is] admitted to Texas universities."

(Exhibit 24, HB 588, House Research Organization Digest, Apr. 15, 1997; Compl. ¶ 52, Answer ¶ 52.)

66. UT Austin uses its AI/PAI full file review process to select additional applicants to fill the balance of the freshman class (with certain variances from the full file review process due to scholarship programs, extraordinary students, and certain portfolio or audition requirements for various programs).

(Compl. ¶ 54, Answer ¶ 54.)

67. HB 588 does not apply to the School of Architecture or the College of Fine Arts.

(Ex. 5 at 92.)

68. In an October 19, 2000 press UT Austin President Larry R. Faulkner stated that "the Top 10 percent law has enabled us to diversify enrollment at UT Austin with talented students who succeed. Our 1999 enrollment levels for African American and Hispanic freshmen have returned to those of 1996, the year before the *Hopwood* decision prohibited the consideration of race in admissions policies."

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(Exhibit 28, *The "Top 10 Percent Law" is Working for Texas*, Dr. Larry Faulkner, President, The University of Texas at Austin, October 19, 2000; Compl. ¶ 58, Answer ¶ 58.)

69. In an October 19, 2000 press release UT Austin President Larry R. Faulkner stated that "minority students have earned higher grade point averages last year [in 1999] than in 1996 and have higher retention rates. An impressive 94.9 percent of 1998 African American freshmen returned to enroll for their sophomore year 1999. For Hispanics, 85.8 percent returned for their second year. So, the law is helping to create a more representative student body and enroll students who perform well academically."

(Ex. 28; Compl. ¶ 59, Answer ¶ 59.)

70. In a January 16, 2003 press release, UT Austin stated that "[t]he University of Texas at Austin has effectively compensated for the loss of affirmative action, partly by increasing recruiting and financial aid for minority students."

(Exhibit 29, *The University of Texas at Austin's experience with the "Top 10 Percent" Law*, January 16, 2003; Compl. ¶ 60, Answer ¶ 50.)

71. In a January 16, 2003 press release, UT Austin stated that "the first-year class included 272 African Americans, or 3.4 percent of the total of 7,936. It also included 1,138 Hispanics, or 14.3 percent of the total. The percentage of entering African American and Hispanics in the Fall of

1996, the year the 5th Circuit Court of Appeals' decision struck down the use of affirmative action in Texas, was 4 and 14, respectively."

(Ex. 29; Compl. ¶ 61, Answer ¶ 61.)

72. In a January 29, 2003 press release, UT Austin announced that "[d]iversity efforts at The University of Texas at Austin have brought a higher number of freshman minority students—African Americans, Hispanics and Asian Americans—to the campus than were enrolled in 1996, the year a court ruling ended the use of affirmative action in the university's enrollment process. A report by the university's Office of Institutional Research for the 2002 fall/summer enrollment shows there were 266 African Americans, 932 Hispanics and 942 Asian Americans enrolled as first-time freshmen at the university in 1996. The numbers of African Americans and Hispanics dropped after the Hopwood ruling, although the figures for Asian Americans increased. In 1997, the numbers for first-time freshmen were down to 190 African Americans, 892 Hispanics and 1,130 Asian Americans. More recent enrollment figures show a more encouraging trend. The summer/fall 2002 semester report shows that first-time freshmen enrollment for all three ethnic groups has increased to a level above the 1996 pre-Hopwood figures. Minority enrollment last fall included 272 African Americans, 1,137 Hispanics and 1,452 Asian Americans. . . . ."

(Exhibit 30, *Enrollment of first-time freshman minority students now higher than before Hopwood court decision*, January 29, 2003; Compl. ¶ 62, Answer ¶ 62.)

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## E. The *Grutter* Decision and Its Impact on UT Austin Admissions

73. *Grutter v. Bollinger*, 539 U.S. 306 (2003), abrogated the *Hopwood* decision. *Grutter* upheld the University of Michigan's use of race as a factor in its law school admissions program.

74. In a June 23, 2003 press release, UT Austin stated that "Dr. Larry R. Faulkner, president of The University of Texas at Austin, said the rulings [in *Grutter*] sweep away the restrictions of the 1996 *Hopwood* decision, a decade long case that eliminated the consideration of race."

(Exhibit 31, T*he University of Texas at Austin reacts to the Supreme Court's affirmative action decisions*, The University of Texas at Austin, June 23, 2003; Compl. ¶ 78, Answer ¶ 78.)

75. In a June 23, 2003 press release, UT Austin President Larry R. Faulkner stated that "[t]he University of Texas at Austin will modify its admissions procedures to comply with the court's rulings in time for the Fall 2004 semester.... This will include implementing procedures at the undergraduate level that combine the benefits of the Top 10 Percent Law with affirmative action programs that can produce even greater diversity."

(Ex. 31; Compl. ¶ 79, Answer ¶ 79.)

76. On August 6, 2003, the Board of Regents of the University of Texas System adopted a resolution

authorizing each System campus to consider whether or not to alter their admissions policies in light of *Grutter.*

(Exhibit 18, Roeckle Aff.; Exhibit 19, Frederick Affidavit (Exhibit A, *The Minutes of the Board of Regents of the University of Texas System*, August 6-7, 2003 at 4-5).)

77. The resolution required "individualized and holistic review of applicant files in which race and ethnicity are among a broader array of qualifications and characteristics considered."

(Ex. 19 at 4-5.)

78. The resolution required that any admissions plan that considers race or ethnicity "must also provide for a periodic review of whether, and to what extent, the plan is still needed or needs revisions."

(Ex. 19 at 4-5.)

79. UT Austin maintained application, admission, and enrollment figures during 1997-2004.

(Ex. 25 at 4-5, Tables 1, 1a.)

| Application Stage | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | White | | | | African-American | | | Total |
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | | | 9134 | 61.0% | | | 639 | 4.3% | 14982 |
| 1998 | | | 10138 | 60.4% | | | 660 | 3.9% | 16797 |
| 1999 | 2753 | 8298 | 11051 | 58.4% | 268 | 762 | 1030 | 5.4% | 18930 |
| 2000 | 3182 | 9555 | 12737 | 59.1% | 291 | 895 | 1186 | 5.5% | 21539 |
| 2001 | 3213 | 8510 | 11723 | 55.9% | 245 | 808 | 1053 | 5.0% | 20986 |
| 2002 | 3527 | 9076 | 12603 | 56.8% | 278 | 881 | 1159 | 5.2% | 22179 |
| 2003 | 3996 | 9948 | 13944 | 56.9% | 326 | 1025 | 1351 | 5.5% | 24519 |
| 2004 | 3817 | 8600 | 12417 | 54.0% | 428 | 1028 | 1456 | 6.3% | 23008 |

| | Hispanic | | | | Asian-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | | | 1955 | 13.0% | | | | | 14982 |
| 1998 | | | 2338 | 13.9% | | | 2491 | 14.8% | 16797 |
| 1999 | 911 | 1920 | 2831 | 15.0% | 998 | 1670 | 2668 | 14.1% | 18930 |
| 2000 | 1020 | 2067 | 3087 | 14.3% | 1034 | 1905 | 2939 | 13.6% | 21539 |
| 2001 | 1012 | 2152 | 3164 | 15.1% | 1081 | 2042 | 3123 | 14.9% | 20986 |
| 2002 | 1177 | 2310 | 3487 | 15.7% | 1211 | 2048 | 3259 | 14.7% | 22179 |
| 2003 | 1424 | 2677 | 4101 | 16.7% | 1250 | 2189 | 3439 | 14.0% | 24519 |
| 2004 | 1451 | 2584 | 4035 | 17.5% | 1257 | 2005 | 3262 | 14.2% | 23008 |

*Appendix E*

**Admission Stage**

| | White | | | | African-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | | | 7964 | 64.8% | | | 419 | 3.4% | 12289 |
| 1998 | | | 7659 | 64.0% | | | 401 | 3.3% | 11975 |
| 1999 | 2753 | 4668 | 7421 | 62.1% | 268 | 249 | 517 | 4.3% | 11949 |
| 2000 | 3182 | 4980 | 8162 | 61.6% | 291 | 271 | 562 | 4.2% | 13256 |
| 2001 | 3213 | 4574 | 7787 | 61.2% | 245 | 200 | 445 | 3.5% | 12733 |
| 2002 | 3527 | 4731 | 8258 | 61.3% | 278 | 216 | 494 | 3.7% | 13476 |
| 2003 | 3996 | 2856 | 6852 | 59.6% | 326 | 122 | 448 | 3.9% | 11504 |
| 2004 | 3817 | 2997 | 6814 | 57.8% | 428 | 141 | 569 | 4.8% | 11788 |

| | Hispanic | | | | Asian-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | | | 1592 | 13.0% | | | | | 12289 |
| 1998 | | | 1620 | 13.5% | | | 1942 | 16.2% | 11975 |
| 1999 | 911 | 794 | 1705 | 14.3% | 998 | 972 | 1970 | 16.5% | 11949 |
| 2000 | 1020 | 803 | 1823 | 13.8% | 1034 | 1117 | 2151 | 16.2% | 13256 |
| 2001 | 1012 | 803 | 1815 | 14.3% | 1081 | 1117 | 2198 | 17.3% | 12733 |
| 2002 | 1177 | 768 | 1945 | 14.4% | 1211 | 1087 | 2298 | 17.1% | 13476 |
| 2003 | 1424 | 371 | 1795 | 15.6% | 1250 | 741 | 1991 | 17.3% | 11504 |
| 2004 | 1451 | 460 | 1911 | 16.2% | 1257 | 756 | 2013 | 17.1% | 11788 |

*Appendix E*

| Enrollment Stage | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | White | | | | African-American | | | | Total |
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | 1408 | 3322 | 4730 | 66.8% | 50 | 140 | 190 | 2.7% | 7085 |
| 1998 | 1497 | 2902 | 4399 | 65.2% | 69 | 130 | 199 | 3.0% | 6744 |
| 1999 | 1620 | 2827 | 4447 | 63.2% | 160 | 126 | 286 | 4.1% | 7040 |
| 2000 | 1921 | 2880 | 4801 | 62.5% | 156 | 140 | 296 | 3.9% | 7686 |
| 2001 | 1942 | 2505 | 4447 | 60.6% | 137 | 105 | 242 | 3.3% | 7337 |
| 2002 | 2203 | 2679 | 4882 | 61.5% | 156 | 116 | 272 | 3.4% | 7935 |
| 2003 | 2378 | 1488 | 3866 | 59.1% | 194 | 73 | 267 | 4.1% | 6544 |
| 2004 | 2270 | 1631 | 3901 | 57.4% | 225 | 84 | 309 | 4.5% | 6796 |

| | Hispanic | | | | Asian-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 1997 | 358 | 534 | 892 | 12.6% | 505 | 625 | 1130 | 15.9% | 7085 |
| 1998 | 414 | 477 | 891 | 13.2% | 519 | 614 | 1133 | 16.8% | 6744 |
| 1999 | 513 | 463 | 976 | 13.9% | 609 | 612 | 1221 | 17.3% | 7040 |
| 2000 | 591 | 420 | 1011 | 13.2% | 653 | 672 | 1325 | 17.2% | 7686 |
| 2001 | 575 | 449 | 1024 | 14.0% | 718 | 695 | 1413 | 19.3% | 7337 |
| 2002 | 703 | 434 | 1137 | 14.3% | 800 | 652 | 1452 | 18.3% | 7935 |
| 2003 | 858 | 210 | 1068 | 16.3% | 781 | 372 | 1153 | 17.6% | 6544 |
| 2004 | 887 | 262 | 1149 | 16.9% | 776 | 442 | 1218 | 17.9% | 6796 |

*Appendix E*

## F. The Addition of Race as a Factor and Its Impact on UT Admissions

80. In August 2004, the UT System approved a revised admissions policy for UT Austin that included an applicant's race as a factor.

(Ex. 9 at 2.)

81. This change took effect starting with applications for the entering class of 2005.

(Compl. ¶ 83, Answer ¶ 83.)

82. Race was added to the "special circumstances" considered when evaluating a candidate's personal achievement score and calculating his PAI.

(Ex. 9 at 2; Ex. 17 ¶ 4.)

83. The addition of race as a factor in admissions was intended to increase racial diversity at UT Austin by increasing the enrollment of "under-represented" minorities.

(Ex. 8 at 23-24, 34, 57.)

84. UT Austin considers African-Americans and Hispanics under-represented minorities but does not consider Asian-Americans to be under-represented minorities.

(Tr. of Prelim. Inj. Hr'g (May 19, 2008) at 64 ¶ 16-17.)

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85. UT Austin added race as a factor in its admissions decisions because it views race as an important credential that helps the University understand the applicant and evaluate his or her circumstances.

(Ex. 5 at 55, 59.)

86. The consideration of race helps UT Austin examine the student in "their totality," "everything that they represent, everything that they've done, everything that they can possibly bring to the table."

(Ex. 5 at 55.)

87. According to UT Austin, racial diversity captures a student's awareness of his own environment and the environment of others.

(Ex. 5 at 61.)

88. According to UT Austin, the consideration of race as a factor helps UT Austin put into perspective what a student has accomplished in his high school career.

(Ex. 5 at 62.)

89. An applicant's race is on the front page of their application file; file readers know the applicant's race when they review an applicant's file.

(Ex. 5 at 19; Ex. 4 at 36-37.)

90. At UT Austin race is viewed favorably in an applicant's file when it shows the context of an applicant's cultural awareness and racial experiences.

(Ex. 5 at 57; Ex. 4 at 30.)

91. The consideration of race may be beneficial to minorities or non-minorities.

(Ex. 5 at 56.)

92. The factor of race, just like any other factor, can "make a difference" to an applicant's personal achievement score.

(Ex. 8 at 52-53; Ex. 5 at 67.)

93. Using race in admissions helps UT Austin achieve racial diversity.

(Ex. 5 at 62.)

94. Characteristics other than race promote the kinds of diversity other than racial diversity.

(Ex. 8 at 60.)

95. The addition of race as a factor in admissions has increased enrollment of under-represented minorities.

(Ex. 6 at 36; Ex. 8 at 23-24, 34.)

96. UT Austin has not tracked or measured the impact of race as a factor in its admissions decisions. UT Austin is unable to determine how much the consideration of race in admissions has increased the enrollment of under-represented minorities.

(Ex. 8 at 39.)

97. UT Austin has not determined what level would constitute critical mass of the enrollment of under-represented minority students.

(Ex. 2, Response to Request for Admission 3.)

98. UT Austin has not established a goal, target, or other quantitative objective for the admission and/or enrollment of under-represented minority students for any of the incoming classes admitted in 2003 through 2008.

(Ex. 2, Response to Request for Admission 2.)

99. UT Austin does not have a projected end date by which it intends to cease using race as a factor in undergraduate admissions decisions.

(Ex. 2, Response to Request for Admission 6.)

100. UT Austin tracks the academic performance of students by grade point average (GPA).

(Ex. 9 at 12, Table 6.)

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| Mean Freshman Year GPA | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | White | | African-American | | Hispanic | | Asian-American | |
| | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 |
| 2003 | 3.32 | 3.06 | 2.79 | 2.55 | 2.96 | 2.87 | 3.41 | 3.17 |
| 2004 | 3.31 | 3.02 | 2.69 | 2.58 | 2.92 | 2.81 | 3.38 | 3.11 |
| 2005 | 3.28 | 3.08 | 2.66 | 2.50 | 2.94 | 2.80 | 3.33 | 3.11 |
| 2006 | 3.25 | 3.05 | 2.69 | 2.58 | 2.80 | 2.67 | 3.35 | 3.05 |
| 2007 | 3.25 | 2.95 | 2.65 | 2.42 | 2.70 | 2.47 | 3.22 | 2.94 |

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101. The academic performance of students admitted pursuant to the Top Ten Percent Law is higher than the performance of students admitted outside of the Top Ten Percent Law.

(Ex. 6 at 22; Ex. 9 at 12-15, Tables 6, 6a, 6b, 6c, 6d.)

102. The mean SAT scores for African-American and Hispanic students from 2003 to 2007 were lower than the mean SAT scores for White and Asian-American students during that time.

(Ex. 9 at 12-15 Tables 6, 6a, 6b, 6c, 6d.)

*Appendix E*

| Mean SAT Scores for Enrolled Freshmen | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | White | | African-American | | Hispanic | | Asian-American | |
| | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 | Top 10 | Non-Top 10 |
| 2003 | 1262 | 1267 | 1063 | 1065 | 1100 | 1189 | 1278 | 1300 |
| 2004 | 1262 | 1267 | 1046 | 1116 | 1110 | 1189 | 1280 | 1304 |
| 2005 | 1268 | 1295 | 1059 | 1118 | 1122 | 1193 | 1288 | 1322 |
| 2006 | 1264 | 1286 | 1067 | 1086 | 1105 | 1154 | 1284 | 1310 |
| 2007 | 1275 | 1275 | 1078 | 1073 | 1115 | 1155 | 1277 | 1310 |

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103. UT Austin maintained application, admission, and enrollment figures during 2005-2008.

(Ex. 9 at 6-8, Tables 1, 1a, 2.)

| Application Stage | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | White | | | | African-American | | | | Total |
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 3887 | 8665 | 12552 | 52.5% | 441 | 1111 | 1552 | 6.5% | 23925 |
| 2006 | 4297 | 10004 | 14301 | 52.4% | 463 | 1452 | 1915 | 7.0% | 27315 |
| 2007 | 4244 | 9415 | 13659 | 50.1% | 485 | 1467 | 1952 | 7.2% | 27237 |
| 2008 | 4440 | 9598 | 14038 | 47.6% | 582 | 1652 | 2234 | 7.6% | 29501 |

| | Hispanic | | | | Asian-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 1656 | 2801 | 4457 | 18.8% | 1302 | 2181 | 3483 | 14.6% | 23925 |
| 2006 | 1790 | 3358 | 5148 | 18.8% | 1572 | 2433 | 4005 | 14.7% | 27315 |
| 2007 | 1974 | 3361 | 5335 | 19.6% | 1571 | 2588 | 4159 | 15.3% | 27237 |
| 2008 | 2218 | 3863 | 6081 | 20.6% | 1744 | 2600 | 4344 | 14.7% | 29501 |

| Admission Stage | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | White | | | | African-American | | | | Total |
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 3887 | 2858 | 6745 | 55.3% | 441 | 176 | 617 | 5.1% | 12207 |
| 2006 | 4297 | 2983 | 7280 | 54.7% | 463 | 220 | 683 | 5.1% | 13307 |
| 2007 | 4244 | 3066 | 7310 | 53.0% | 485 | 262 | 747 | 5.4% | 13800 |
| 2008 | 4440 | 2142 | 6582 | 51.2% | 582 | 146 | 728 | 5.7% | 12843 |

| | Hispanic | | | | | Asian-American | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 1656 | 527 | 2183 | 17.9% | 1302 | 774 | 2076 | 17.0% | 12207 |
| 2006 | 1790 | 616 | 2406 | 18.1% | 1572 | 743 | 2315 | 17.4% | 13307 |
| 2007 | 1974 | 658 | 2632 | 19.1% | 1571 | 927 | 2498 | 18.1% | 13800 |
| 2008 | 2218 | 403 | 2621 | 20.4% | 1744 | 565 | 2309 | 18.0% | 12843 |

| Enrollment Stage | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | White | | | | African-American | | | | Total |
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 2288 | 1550 | 3838 | 55.5% | 252 | 99 | 351 | 5.1% | 6912 |
| 2006 | 2524 | 1504 | 4028 | 54.3% | 268 | 119 | 387 | 5.2% | 7417 |
| 2007 | 2359 | 1480 | 3839 | 51.3% | 284 | 147 | 431 | 5.8% | 7479 |
| 2008 | 2480 | 1033 | 3513 | 52.3% | 305 | 70 | 375 | 5.6% | 6715 |

| | Hispanic | | | | Asian-American | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Top 10 | Non-Top 10 | Total | % | Top 10 | Non-Top 10 | Total | % | Students |
| 2005 | 966 | 278 | 1244 | 18.0% | 782 | 410 | 1192 | 17.2% | 6912 |
| 2006 | 1049 | 337 | 1386 | 18.7% | 929 | 397 | 1326 | 17.9% | 7417 |
| 2007 | 1109 | 361 | 1470 | 19.7% | 1005 | 469 | 1474 | 19.7% | 7479 |
| 2008 | 1164 | 174 | 1338 | 19.9% | 1025 | 224 | 1249 | 18.6% | 6715 |

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## II. The Current Admissions Process at UT Austin

104. UT Austin divides applicants into three categories based on residential status: (1) Texas residents; (2) Non-residents; and (3) Foreign.

(Ex. 17 ¶ 7.)

105. Texas resident applicants who submit a completed freshman application by published deadlines are not denied admission to UT Austin.

(Ex. 9 at 3.)

106. Applicants who are offered fall admission to UT Austin are offered such as either: (1) automatic admission based on the Top Ten Percent Law; (2) automatic admission based on a high Academic Index (AI) score; or (3) admission based on Academic Index (AI) and Personal Achievement Index (PAI) scores.

(Ex. 17, ¶¶ 3-16.)

107. Remaining Texas resident applicants may also be offered admission through the Summer Program or the Coordinated Admissions Program (CAP) at UT Austin based on an additional review of their application once all of the fall decisions have been made.

(Ex. 17, ¶ 15.)

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## A. Top Ten Percent Law Admissions

108. The Top Ten Percent Law guarantees admission to UT Austin to students who rank in the top ten percent of their high school class after six or seven semesters.

(Ex. 32; Ex. 6 at 14; Ex. 12; Ex. 5 at 15.)

109. Top Ten Percent Law applicants are not, however, guaranteed admission to their first choice or second choice academic program.

(Ex. 5 at 15.)

110. UT Austin considers the academic programs which can fill 80% or more of their admissions spaces based on the preferences of applicants admitted pursuant to Top Ten Percent Law "impacted majors".

(Ex. 5 at 31-32; Ex. 17 ¶ 11.)

111. UT Austin caps the percentage of Top Ten Percent Law applicants who will be automatically admitted to impacted programs at 75% of the program's available admission spaces. (Ex. 5. at 32-33; Ex. 17 ¶ 11.) For example, the School of Business capped its automatic admissions at the top 4%. (Ex. 5 at 33.)

112. Top Ten Percent Law applicants who are not within the cap for impacted programs will be considered for and offered admission to their second choice academic program based on the applicant's AI and PAI scores (which result from the review of the applicants' full application)

as described below, or will be offered admission to UT Austin's Liberal Arts College as undeclared majors.

(Ex. 5 at 16-17.)

### B. Automatic High Academic Index (AI) Admissions

113. Some number of non-Top Ten Percent Law applicants may be automatically admitted to a particular academic program based solely on their high AI score. (Ex. 17 ¶ 12.) UT Austin does not appear to maintain admission figures for the number of applicants admitted based on high AI scores.

### C. Academic Index (AI)/Personal Achievement Index (PAI) Admissions

114. Non-Top Ten Percent Law applicants and those Top Ten Percent Law applicants who are not admitted to their first choice academic program receive AI and PAI scores based on their applications.

(Ex. 9 at 3.)

115. Applicants are placed on an admissions matrix for their preferred programs based on their AI/PAI scores where AI is on the X-axis and PAI is on the Y-axis.

(Ex. 9 at 3; Ex. 5 at 30; Exhibit 3, Sample Admission Matrices produced by Defendants' in response to Plaintiffs' Second Discovery Requests (Bates Nos. D-825, 847, 852, 870).)

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116. For a given academic program, applicants are clustered into groups of applicants who share the same combined AI and PAI scores and plotted on the matrix for that academic program.

(Ex. 5 at 30-31; *see* Ex. 3.)

117. Associate Directors and/or Assistant Directors from each academic program work as "liaisons" during the AI/PAI admissions process.

(Ex. 5 at 30-31.)

118. The liaisons from the impacted programs are the first to look at their program's admissions matrix.

(Ex. 5 at 30-31.)

119. Based on the number of students admitted pursuant to the Top Ten Percent Law, the liaisons determine how many spaces remain in their academic programs.

(Ex. 5 at 73.)

120. The liaisons for the impacted programs draw lines on their admission matrices in a "stair-step" manner starting at the high-AI/low-PAI corner of the matrix.

(Ex. 5 at 42-43; *see* Ex. 3.)

121. When deciding where to draw the line, the liaisons aim to reward the most accomplished applicants based on their AI and PAI scores.

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(Ex. 5 at 87.)

122. Every applicant who is represented on the matrix is either admitted or not admitted based on which side of the line he falls.

(Ex. 5 at 30-31.)

123. One-tenth of an AI point or one PAI point can be determinative as to whether an applicant is admitted or not admitted.

(Ex. 8 at 33.)

124. If an applicant is not admitted to his first choice academic program he will "cascade" into his second choice academic program to be considered on that matrix.

(Ex. 5 at 30-31.)

125. Once the lines have been drawn for the impacted programs, liaisons from the remaining academic programs go through the same stair-step line-drawing process for their programs.

(Ex. 5 at 30-32.)

126. Applicants who are not admitted to their second choice academic program will cascade into the Liberal Arts undeclared major matrix.

(Ex. 5 at 45.)

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127. Liaisons have "full discretion" in the drawing of their lines on the program matrices.

(Ex. 5 at at 43.)

128. Texas residents not admitted to the fall freshman class may be considered for admission to either the UT Austin Summer Program or participate in the UT System Coordinated Admissions Program (CAP).

(Ex. 17 ¶ 15.)

129. UT Austin aims to enroll approximately 800 students in its Summer Program annually.

(Ex. 5 at 47.)

130. Because the Summer Program typically has an enrollment rate of approximately 50%, UT Austin offers admission to approximately 1600 students.

(Ex. 5 at 47.)

131. To determine who will be offered admission to the UT Austin Summer Program UT Austin selects to review the applications of approximately 3,000 students who remain on the Liberal Arts undeclared major matrix after fall admissions decisions are completed.

(Ex. 5 at 46-49.)

132. The students selected for consideration for the Summer Program are determined by the same stair-

step line drawing process as used on the other admission matrices.

(Ex. 5 at 46-49.)

133. A senior application file reader will give a second review of the entire file for those students selected for consideration.

(Ex. 5 at 26, 46-49.)

134. During the second review process, applicants' AI and PAI scores are not controlling.

(Ex. 5 at 46-49; Ex. 17 ¶ 22.)

135. The second review process is intended to be individualized.

(Ex. 5 at 28.)

136. In 2008, of the 3,028 applicants who were considered for the Summer Program, (Ex. 5 at 46-49), 1433 were offered admission, (Exhibit 1, Defendants' Response to Plaintiffs' Interrogatories 1 through 5 (May 18, 2008), Response to Interrogatory No. 4)

(*See also* Ex. 17 ¶ 20.)

137. UT Austin maintained figures about the 2008 fall and summer freshman classes.[1]

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1. Some of the figures offered by Defendants in response to Interrogatory No. 4 vary slightly from the figures included in the HB 588 Report of Oct. 27, 2008.

| Semester Applied | F04 Admit Decision | Race | HB588 Auto Admit | | Grand Total | % Admit by Race | |
|---|---|---|---|---|---|---|---|
| | | | No | Yes | | No | Yes |
| 20086 | ADMIT | Not Reported | 4 | 1 | 5 | 0.3% | 1.7% |
| Summer | | AMERICAN INDIAN | 7 | | 7 | 0.5% | |
| Freshman | | ASIAN AMERICAN | 211 | 8 | 219 | 14.7% | 13.8% |
| | | BLACK | 80 | 5 | 85 | 5.6% | 8.6% |
| | | FOREIGN | 32 | 2 | 34 | 2.2% | 3.4% |
| | | HISPANIC | 236 | 16 | 252 | 16.5% | 27.6% |
| | | WHITE | 863 | 26 | 889 | 60.2% | 44.8% |
| | Admit Total | | 1433 | 58 | 1491 | | |
| **20086 Total** | | | **1433** | **58** | **1491** | | |
| 20089 | ADMIT | Not Reported | 9 | 4 | 13 | 0.4% | 0.0% |
| Fall Semester | | AMERICAN INDIAN | 12 | 30 | 42 | 0.6% | 0.3% |
| | | ASIAN AMERICAN | 351 | 1732 | 2083 | 16.6% | 18.8% |
| | | BLACK | 46 | 576 | 622 | 2.2% | 6.2% |
| | | FOREIGN | 266 | 242 | 508 | 12.6% | 2.6% |
| | | HISPANIC | 165 | 2205 | 2370 | 7.8% | 23.9% |
| | | WHITE | 1262 | 4428 | 5690 | 59.8% | 48.0% |
| | Admit Total | | 2111 | 9217 | 11328 | | |
| **20089 Total** | | | **2111** | **9217** | **11328** | | |
| *Grand Total* | | | *3544* | *9275* | *12819* | | |

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(Ex. 1, Response to Interrogatory No. 4.)

138. Texas residents not admitted to the Summer Program at this phase of the admissions cycle are admitted to the Coordinated Admissions Program (CAP).

(Ex. 5 at 46-49.)

139. Applicants who participate in the CAP may transfer to UT Austin after their freshman year if they complete 30 approved credit hours at a participating UT System campus and have maintained a GPA of at least 3.2 at that school.

(Ex. 17 ¶ 15.)

**D. Minority Outreach and Recruitment Efforts**

**1. Scholarships**

140. UT Austin established the Longhorn Opportunity Scholarship to benefit students who come from high schools in low income communities.

(Exhibit 7, Orr Dep. at 11-12; Exhibit 14, The University of Texas at Austin – Texas Scholarships – *Longhorn Opportunity Scholarship, available at* http://www.texasscholarships.org/types/osfs/los.html.)

141. The Longhorn Opportunity Scholarship was designed to, among other things, boost minority enrollment.

(Ex. 7 at 17.)

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142. The 70 high schools which participate in the Longhorn Opportunity Scholarship were selected on the basis of socioeconomic status, population of first generation students, and percentage of students who sent test scores from the schools.

(Ex. 7 at 11-12; *see also* Exhibit 20, Orr Aff. ¶ 7.)

143. UT Austin established the President's Achievement Scholarship which is a need-based scholarship that is based on a student's family income, high school characteristics, and student's academic performance relative to others in the high school.

(Ex. 7 at 18; Exhibit 15, The University of Texas at Austin – Texas Scholarships – *President's Achievement Scholarship, available at* http://www.texasscholarships.org/types/osfs/pas.html; Ex. 20 ¶ 6.)

144. According to UT Austin, the President's Achievement Scholarship has the residual effect of promoting minority enrollment.

(Ex. 7 at 18.)

145. UT Austin established the First Generation Scholarship which is a need-based scholarship available to students who are the first in their family to attend college.

(Ex. 7 at 18-19; Exhibit 16, The University of Texas at Austin – Texas Scholarships – First Generation Scholarship *available at* http://www.texasscholarships.org/types/osfs/first_gen.html; Ex. 20 ¶ 9.)

146. According to UT Austin, the First Generation Scholarship helps promote minority enrollment.

(Ex. 7 at 18-19.)

147. According to UT Austin, there is a disproportionate representation of minorities who classify as low income and first generation in Texas and are therefore possible candidates for Longhorn Opportunity Scholarships, President's Achievement Scholarships, and First Generation Scholarships.

(Ex. 7 at 20.)

148. The Longhorn Opportunity Scholarship, President's Achievement Scholarship, and First Generation Scholarship all began in the late 90s.

(Ex. 7 at 17.)

149. These scholarships have helped increase minority enrollment at UT Austin.

(Ex. 8 at 29.)

150. Although the scholarships increase minority enrollment, UT Austin does not keep track of the precise impact of these scholarship initiatives on minority enrollment.

(Ex. 7 at 20.)

151. UT Austin established the Keep Texans in Texas scholarship to match scholarships from out-of-state schools for students from under-represented Texas high schools.

(Ex. 20 ¶ 8.)

### 2. Outreach Centers and Programs

152. Since 1996, UT Austin has established additional outreach centers throughout the state.

(Ex. 7 at 8, 12; Ex. 20 ¶ 12.)

153. The outreach centers offer information sessions on admissions, hold receptions, and serve as offices for counseling staff who attend college night programs and visit high schools in their regions.

(Ex. 7 at 13-14.)

154. UT Austin hosts various programs such as the "Longhorn Lock-In" event, "Longhorn for a Day" event, and the UT Scholars program to introduce high school students to the university.

(Ex. 20 ¶ 17-19.)

Respectfully submitted,

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Dated: January 23, 2009

## APPENDIX F — EXHIBIT 5 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, DEPOSITION OF KEDRA ISHOP, DATED OCTOBER 6, 2008

[1] IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Civil Action No. 1:08-cv-00263-SS

ABIGAIL NOEL FISHER; and
RACHEL MULTER MICHALEWICZ

Plaintiffs,

STATE OF TEXAS; UNIVERSITY OF
TEXAS AT AUSTIN; et al,

Defendants.

**ORAL DEPOSITION OF KEDRA ISHOP**
October 6, 2008

ORAL DEPOSITION of KEDRA ISHOP, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on October 6, 2008 . . .

* * *

*Appendix F*

[4] THE REPORTER: On the record, 2:10.

KEDRA ISHOP,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. McCARTHY:

Q. Hi.

**A. Hello.**

Q. My name is Thomas McCarthy, I'm the attorney for the plaintiffs. And can I ask you, are you appearing here today because of this notice of deposition?

**A. Yes, I am.**

Q. Okay. And --

MS. KNEELAND: And for the record, we've designated Dr. Ishop for several topics on the notice which I will not read because I assume you'll put it in the record. Topic 1, Topic 2, Topic 3, the portion of Topic 12 that has to do with consideration of the AI and PAI scores, and the search for documents responsive to Plaintiffs' discovery requests which is No. 17 --

MR. McCARTHY: Okay.

MS.KNEELAND: -- which means a lot of things.

Q. (By Mr.McCarthy) Dr. Ishop -- Am I saying that right?

**A. Dr. Ishop.**

[5] Q. I'm sorry. Dr. Ishop, have you ever been deposed before?

**A. No, I have not.**

Q. No, okay. Well then I'll tell you a little bit about how it goes. I'm going to ask you just a series of questions about your role and responsibilities at the University which relate to this case.

**A. Okay.**

Q. Just answer the questions to the best you can. If you don't know the answer, feel free to tell me you don't know the answer. If my question doesn't make sense, go ahead and ask me to rephrase it, restate it. If I ask you a question that's outside of the topics that Ms. Kneeland identified that you're not prepared to answer, you can go ahead and tell me that. I'll try to keep inside those topics that we agreed that I'd ask you about, but if I go outside of it by accident, just tell me you're not prepared to answer that. If you feel like you need to talk to Ms.Kneeland at some point, you're welcome to go ahead and talk to her. I only ask that if I -- that you answer my question first before you talk to Ms. Kneeland.

Does all that make sense?

**A. Yes, it does.**

Q. Okay. And also, if you need to take a break for any reason to go to the ladies' room or to get a drink, just [6] let us know, we can certainly take a break.

**A. Okay.**

Q. Okay?

**A. Okay.**

Q. Okay. I'll ask you a few sort of logistical questions as we get started.

**A. Okay.**

Q. First, are you taking any medications or have you ingested anything that might affect your ability to testify today?

**A. No, I have not.**

Q. Okay. Did you meet with anyone to prepare for this deposition?

**A. Yes.**

Q. Okay. With whom?

**A. With my attorneys.**

Q. Who?

**A. My attorneys, Ms. Kneeland and Mr. Barnes.**

Q. Okay. How many times did you meet with them?

**A. Twice last week in preparation for the deposition.**

Q. Okay. Did you review any documents in preparation for the deposition?

**A. Yes.**

Q. Could you tell me about what documents you reviewed in preparation for the --

[7] **A. We looked at one of our 4104 reports, which is one of the documents that we submit -- that we use in our review of the applications for students in review of the matrix.**

Q. Okay. And you said that's a 4104 report?

**A. Yes.**

Q. Okay. And was this document previously produced to us?

**A. Yes, it was provided to you --**

Q. Okay.

**A. -- as well.**

Q. Did you review any other documents in preparation for this deposition?

**A. No.**

Q. Okay. What is your job title here at the University?

**A. Associate director of admissions.**

Q. Okay. And what do you do in that role?

**A. I am responsible for admissions policy, I direct and lead our communications team which puts out all of our publications, brochures –**

(Reporter interrupts)

**A. -- which is responsible for our brochures and publications, manuals, the things that we provide to our prospective students. I also am in charge of the admission of the freshman class.**

[8] Q. Okay. Have you held any other positions here at the University of Texas?

**A. I have within the Office of Admissions. I've been assistant director at two of our regional offices, as well as admission counselor. Prior to that I was a student employee.**

Q. And what is your educational background?

**A. I have a bachelor's, master's, and doctorate from the University of Texas.**

Q. Okay. Do you have any expertise or training outside of the University of Texas on the matters that you work on right now?

**A. I have never worked for another institution. I have served on admissions boards and committees and such with the College Board, with the IB National Committee, have presented in forum -- national forums, national conferences, presented to students for many, many years as well.**

Q. Okay. Are you able to fully testify as a representative of the University of Austin today?

**A. Yes, I am.**

Q. Okay.

MS. KNEELAND: Let's be clear, it's the University of Texas at Austin. It's not the University of Austin.

MR. McCARTHY: Yeah, sorry. Did I say [9] University of Austin?

MS. KNEELAND: Yes.

MR. McCARTHY: Sorry about that. University of Texas at Austin.

THE WITNESS: I understand.

Q. (By Mr.McCarthy) Generally stated, what is the University's admissions policy with regard to undergraduate admissions?

**A. The admissions policy is that we are missioned to provide an opportunity for students in the State of Texas, outside of the State of Texas, and internationally to achieve an excellent education here at the University of Texas at Austin. The policies are both legislative and internal. Legislatively we are mandated to admit top ten percent students in the State of Texas, as well we have developed internally an admissions policy geared towards admitting a diverse class of students representative from all backgrounds, all walks, to our freshman class.**

Q. Okay. And does the University consider itself selective?

**A. We are selective by nature of the number of spaces that we have relative to the number of applications that we receive.**

Q. In a typical year, how many applications does the University receive for the incoming freshman class?

[10] **A. Last year for the class that just enrolled for August, we received just under 30,000 applications.**

Q. And how many spaces are usually available for incoming freshman class?

**A. We offer about -- just under 13,000 spaces.**

Q. About how many of those 13,000 spaces were filled by students pursuant to HB 588?

**A. Just over 9,000 of those spaces.**

Q. So is it accurate to say the remaining approximate 21,000 applications are competing for approximately 4,000 spots?

**A. Yes, that's approximate. At UT Austin we admit a class for both the summer and the fall. So when we talk about enrolling our class, we are always talking about our summer and our fall enrollment.**

Q. Okay. And does the approximately 30,000 application number, does that relate to summer and fall?

**A. Those students -- The students typically are applying for the fall semester, but it's our policy that we may admit some student to the summer session, whether or not they applied to that session.**

Q. Okay. And this 13,000 number of the -- which is the number admitted. Is that correct?

**A. That's correct.**

Q. So this -- the -- of the 13,000 students admitted [11] this year, that -- that's to fall and summer classes?

**A. That's correct.**

Q. Okay. And does the University employ a system for making undergraduate admissions decisions that focuses on an applicant's academic performance and their personal achievement performance?

**A. What do you mean by a system?**

Q. Well, does the University consider both an applicant's academic performance and their personal achievement --

**A. Yes.**

Q. -- in making admissions decisions?

**A. Yes.**

Q. Okay. Could you explain how that works generally?

**A. Yes.**

MS. KNEELAND: Objection; form, a bit overbroad, but she can answer it.

**A. It will just take a little bit. The admissions process, when we describe it, we often describe it as twofold; there's an academic component and there's a personal**

**achievement component. And when we're talking with students and families, we share with them that both are equally and as important as the other because per our mission, we believe in admitting students who can contribute to our campus and contribute to the variety of activities [12] as well as participate in the classroom. On the academic component, we examine primarily three things: A students class rank, which is representative of their GPA; we also consider their standardized test score, SAT or ACT, in the case of this class the plaintiffs were a part of, the higher score that's submitted for them from a single test date; and we also have a component that we call units plus which is where we reward students who are taking more than our minimum requirements in two of three subject areas. That comprises the academic component of the -- those are numerical, objective. Those numbers are reported by testing agencies, by high schools, or on the high school transcript.**

**The other side of the application is -- of the admissions process encompasses all of the additional materials that students submit in their file. The Apply Texas Application contains essays that students submit. They're required to submit two. Most students submit Topics A and B, but there are other topics if they're applying to Art or Art History, School of Architecture. They also submit a resume or record of activities. They may do so completely on the application, there's a page of the application where they can input that information, it's broken down into four areas; or they may submit a resume of their choosing, they put together their own document and submit their resume.**

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**Students essentially can tell us [13] anything they want to tell us in the resume, although the Apply Texas Application has points, extracurricular activities, honors, rewards, work experience. Many students will go outside of that and tell us whatever they feel they need to tell us.**

**The personal achievement portion of the file is an examination of the two essays individually, those essays are scored as a piece of writing; and a read of the entire file, what we call whole file review, full file review, which is a read of the entire application which is essentially seeing everything that a student submitted. We know their test score, we know their class rank, we know what courses they took, we know what they took their senior year, a read of the essays for information, and a read of the full file of the resume portion. Students may also submit letters of recommendation if they choose to do so and if they have, then that's read as part of that file. Some students choose to submit slides, pictures, samples of -- other samples of writing, art work, any number of things and if those things are submitted as part of their application, then they are reviewed as well.**

Q. (By Mr. McCarthy) Okay. When did the University begin considering -- I'm sorry. When did the University begin making admissions decisions on this basis?

**A. This --**

[14] MS. KNEELAND: Objection; form.

Please go ahead.

**A. This whole file review process began, I believe, in 1998.**

Q. (By Mr. McCarthy) And currently the University is bound to admit students pursuant the HB 588. Correct?

**A. That's correct.**

Q. Okay. So the AI-PI -- I'm sorry, the AI-PAI whole file review happens with regard to the students outside of the top ten. Correct?

**A. Not necessarily. The -- When students apply to the University of Texas, they select a first- and a second-choice major. We have a third-choice major of Liberal Arts Undeclared which is kind of a last effort for all students applying to try to get into the fall semester. Top ten percent -- top ten percent students, those admissible under HB 588, are guaranteed admission per law to the University of Texas. They're not guaranteed to their major of choice.**

**So there are some programs that have restricted entry, we call them impacted majors. For instance, the College of Business could not accommodate all top ten percenters that would want to apply to the School of Business and so we've limited the number of top ten percenters who can gain automatic entry into that program** [15] **and those who don't gain automatic entry then compete for admission along with all other non-top ten percenters. So all of those factors in their file -- their test score, class rank, essays, resume, letters of recommendation -- are read and reviewed for admission into those programs.**

Q. Okay. So in other words, for a student who graduates in the top ten percent of their Texas public high school, they are automatically admitted to the University of Texas pursuant to HB 588.

**A. For a student who is in the top ten percent at the time of their application -- and I make that distinction because they haven't graduated by the time that they're in our applicant pool --**

Q. Okay.

**A. -- if they are in the top ten percent as of the sixth semester of their high school year, which is the end of their junior year, and they apply prior to our application deadline, they're guaranteed admission to the University.**

Q. Okay. Is it ever the case that a student's seventh semester grades will be considered?

**A. Yes.**

Q. Okay.

**A. If those grades are submitted prior to the deadline -- Our deadline for the class of 2008 was** [16] **February 1st. And so for that deadline, which is now changing, the -- oftentimes students can submit seventh semester grades, what are typically called mid-year grades --**

Q. Okay.

**A. -- and that would be considered.**

Q. But -- but students who are in the top ten percent of their senior high school classes at Texas public schools at the time of their application are automatically admitted pursuant to HB 588.

**A. Those who are Texas -- who are graduating in Texas public schools, yes.**

Q. Okay. And then those same students, however, are not necessarily admitted to the major of their choice. Correct?

**A. That's correct.**

Q. Okay. Once they're admitted, their AI and PAI are still considered with regard to their placement in a particular major.

**A. Not quite. You said that once they're admitted, then their AI and PAI scores -- it's actually the reverse of that. We start the admissions process at their first-choice major. So in theory a student hasn't technically been admitted until we've admitted them to their major. We do have a process that we call intent to admit that we send to [17] every top ten percenter who completes their file prior to the deadline to say you will be admitted at least to Liberal Arts Undeclared and we do that so that they can move on with housing**

**and financial aid and some of the other processes that require them to be admitted before they can pursue, you know, some of those other means. But we start the process at the first-choice major. So the official admits occur from the top down, first choice, second choice, and as we move through the process.**

Q. Okay. How is the personal achievement index determined for applicants that are outside the top ten?

MS. KNEELAND: Objection; form.

**A. What do you mean by personal achievement index?**

Q. (By Mr. McCarthy) It's my understanding that in addition to the academic index which measures objective things, like I think you said GPA -- or, I'm sorry --

**A. Class rank.**

Q. -- class rank and standardized test score, that there's also the personal achievement index which measures other factors.

**A. Uh-huh.**

Q. How is that personal achievement index determined?

**A. The personal achievement index is a number that's the result of a full file review of a review of each essay individually that each -- the read of each essay**

**produces a [18] score on a scale of one to six and the read of the full file produces a score on a scale of one to six. Those three scores are combined to create the personal achievement index and then that number is used in the admissions -- in the admissions process.**

Q. Okay. And what are the factors that make up that personal achievement score that's one of the components of the personal achievement index?

**A. Of the personal achievement score, the full file review where the reader who is looking at the file and analyzing the file is looking at everything that's submitted by a student, it's a holistic read. In that holistic read the student's socioeconomic background, the activities they've been involved in, their leadership potential as well as leadership achieved, things they've already done, the opinion of others in regard to the student if they've submitted letters of recommendation, work experience, how the student spends their time outside of the classroom in volunteer activities. We emphasize both depth and breadth for students. We liken it to if you have only done one thing, perhaps you need to be an Olympic swimmer in order to have the type of depth that's required, but it's a review of all aspects of a student's life.**

**We look at everything within context to everything else. We look at how students spend their time [19] outside of the classroom relative the rigor of their academic environment, we place students -- the number of hours they work relative to the activities**

**they're involved in in high school. We examine the context of their family life and their family situation relative to everything else, everything they're doing at school and in the classroom. We know the school they're coming from, the size of the school, the type of community, we know their personal demographics as well and how those things relate to everything else that's in the file. Essentially everything that's submitted by the student is part of that review and as -- as you -- as the file is read, then the reader takes in all of that information in order to determine the personal achievement score that you're talking about.**

Q. Okay. Am I correct that race is a factor that's considered as part of the personal achievement score?

**A. That's correct, that's one of the demographics.**

Q. And can you explain to me how race is considered in that process?

**A. Race is contextual, just like every other part of the applicant's file. We are certainly aware of the applicant's race. It's on the front page of the application that's being read, but that information is used in context with everything else that's part of the applicant's file.**

**There's no factor on -- in the personal achievement read [20] that stands alone. Everything is dependent upon all other parts of the file to determine how you -- how you arrive at the personal achievement score.**

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Q. Could you give me an example where race would have some impact on an applicant's personal achievement score?

**A. To be honest, not really. When we read files and when we're trained to read files, we read them in the context of the applicant pool. We sit--when we begin our training with Dr. Bremen and we sit -- the senior staff of full file reads sit with the first several thousand files that come in for that applicant's year and we read through -- we spend a day reading through files to determine our -- what these -- what the scores will be -- examples of what those scores will be. In order to -- it's impossible to say -- to give you an example. of a particular student because it's all contextual. We don't believe in fictitious students. You know, when we're talking with students and they ask us kind of that same question, what do I need to do, you know, to get in or who do I need to be, it depends on everything that's part of the file and we don't know until we look at the file to be able to kind of give that -- to determine what that score is.**

Q. Okay. Now, when was it that the University added race as a factor to admissions decisions?

**A. I believe that class -- the first class that it [21] was used for was the class of 2005.**

Q. How did that change the way in which admissions officials who read applications consider those applications?

MS. KNEELAND: Objection; form.

**A. It added another component to the file I think is the simplest answer. It's as though similarly you might -- we might require letters of recommendation, which we currently don't. It added another piece of information to the file that could be considered in a holistic read.**

Q. (By Mr. McCarthy) And are you one of the admissions officials who's a reader of applications?

**A. I am.**

Q. And did you -- did the University's -- I'm sorry. Did the admissions office -- Does the admissions office train readers in the holistic review of the applications?

**A. Yes, we do.**

Q. And did the manner in which readers review these applications change when race was added as a factor?

**A. The manner in which we review applications, no, because we were already reviewing applications holistically and so we didn't have to change the nature of our file review. We simply added another component to that review and that was part of the discussions in the training and part of the items that we talked about in the course of our training.**

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[22] Q. I'm going to show you what's been marked as Deposition Exhibit 1. This is what's commonly referred to as a Top Ten Report of the HB 588 Report and this is Report No. 10. Are you familiar with that?

**A. I am.**

Q. Can you turn to the second page of that report?

**A. Uh-huh.**

Q. The second page of the report lists a number of factors that are considered part of the personal achievement score?

**A. Uh-huh.**

Q. Could you read those factors?

**A. Sure. Scores on two essays, leadership, extracurricular activities, awards and honors, work experience, service to school or community, special circumstances which includes socioeconomic status of family, single-parent home, language spoken at home, family responsibilities, socioeconomic status of school attended, average SAT/ACT of school attended in relation to student's own SAT or ACT, and race, addition approved by the UT Board of Regents in 2003.**

Q. And am I correct in stating that each of those factors and special circumstances is considered holistically?

**A. Yes, they're all part of the holistic review.**

[23] Q. Okay. Do any of those factors or special circumstances ever receive any sort of numerical value?

**A. No. Aside from the score on the two essays, they each receive a score.**

Q. Okay.

**A. But beyond that, no.**

Q. So other than the essays which receive individual scores, are any of those factors or special circumstances given a numerical value at any time?

**A. No, the only part of this that receives a numerical value outside of the full file review would be the socioeconomic status of school attended and the average SAT or ACT of school attended in relation to student's own SAT and ACT. We call that adversity index. There's a calculation that's done to create a student's adversity index and those are two of the components of that.**

Q. How is that adversity index computed?

**A. To be honest, Mr. Gary Lavergne could better answer that question, could give you the formula for that, I can't.**

Q. Okay. And, I'm sorry, which of those factors or special circumstances go into that adversity index?

**A. Socioeconomic status of school attended and average SAT/ACT of school attended in relation to student's own SAT/ACT, I believe it's those two.**

[24] Q. So other than the essays which are given their own individual scores and the adversity index, none of those factors or special circumstances are given a numerical value at anytime?

**A. No, they're not.**

Q. Okay. When application files are reviewed, is the same application file reviewed by multiple readers?

**A. Not in the fall in the normal course of the application. We have a two-part read process. There's the read that produces the essay scores and the personal achievement score to get the personal achievement index, that read is conducted by one person. There's a second read for the summer freshman class where there's another read at the file that doesn't produce a score at all.**

Q. Because personal achievement scores are determined in a holistic manner, does the score ultimately given to an applicant depend in some part on who the reader is that evaluates that application?

**A. I believe our process trains that to not be the case. The full file review, which is a holistic nature of the full file, is conducted by our most senior readers, admission personnel that have been working here or elsewhere for many, many, many years and have read a lot of files. We separated the two parts of the process,**

**the essays which are mostly read by our admission counselors and those that we [25] hire to read files from the full file review to be reserved for the -- to be read by our most senior readers. Our training is rigorous and the entire point of that training is to remove individual readers from their individual thoughts about files and quality and to bring the admissions office to a consensus that we establish and we do that by creating our range finders that remind us and give examples of what we, as a group of admissions personnel, decided were representative scores in the personal -- for the personal achievement score.**

Q. Okay. When a senior reader does this second read of a me for purposes of the summer class --

**A. Uh-huh.**

Q. -- are they bound at all by the prior readers' determinations?

MS. KNEELAND: Objection; form.

You can answer.

**A. No, they're not. At the summer -- At the level of the summer freshman class, the reader is making an admission decision, not scoring the file.**

Q. (By Mr. McCarthy) Is that reader aware of the scores given to the file previously?

**A. Yes, they are. They're on the cover sheet.**

Q. Do the senior readers consider those scores at all?

[26] **A. It's part of the review of the file. I mean, in reading a file, we read everything that's on the file, especially at that level. That, we know, is really the last opportunity a student has to be admitted to the University of Texas so everything is read and considered at that point. But they're not bound by the scores, it's not a comparison of scores. That's not the intent of the summer freshman class, to agree or disagree with those scores, but simply to read the file and make a decision on the file.**

Q. Why is it that the senior readers can disregard those scores at that stage?

MS. KNEELAND: Objection; form

**A. The senior readers are the same level of reader that read the file in the first place and better trained -- or more experienced at reading than those who read the essays. The person reading for summer freshman class was trained to read essays, as well as trained to read the entire file. It's not the intent at that point to spend our time agreeing or disagreeing with scores, but instead to read the file which contained -- usually contains exactly the same material that the original file contained and to make a decision on it. So it's not a question for us to disagree with the score or to question the score. We make note of it and move on through the file.**

Q. (By Mr. McCarthy) Now am I correct in [27] understanding that -- Let me start that question again.

Am I correct that the point of the training of readers is to promote uniformity --

**A. Uh-huh.**

Q. -- among the evaluation?

**A. That's right.**

Q. So why is it that on this second-level read that score doesn't necessarily matter?

MS. KNEELAND: Objection; form.

**A. We have a two-part process. The reading of the files -- the reading of the essays and the reading of the full file is -- is used to make admission decisions for the fall semester. That's where the scores on those files translate, put the student onto the matrix, and we make admission decisions from that matrix. The summer freshman class read, beyond establishing who is read for summer freshman class, there's no decision made on the matrix. So at this point students essentially start over and their file starts over. So we're aware of the scores that they had as they went through the process, but it's, in effect, irrelevant to what we're doing at the summer freshman class level. Summer freshman class level we're reading the file and making an admission decision on the file. We're not scoring the essays, we're**

**not scoring the -- we're not doing any of that scoring in our heads. We're using the [28] experience of the reader at that level to make a decision to take or not take that student for the summer freshman class.**

Q. (By Mr. McCarthy) Does the admissions office have a different objective with regard to the summer freshman class than they do for the fall freshman class?

**A. Beyond admitting -- bringing in the summer freshman class, the objective is the same, to still bring in high-quality students, to still bring in to represent the vast diversity that we're looking for in our class, but we have a different method for achieving that end than we do for the fall semester.**

Q. Why is it that the University -- Why is it that the admissions office has a different method to achieve this same objective?

**A. Because we don't -- When we get to the summer freshman class, we are giving the best students who were not able to gain admission to the fall semester another opportunity to gain admission for the summer and we use a method that takes the individual student and only the individual student to make that decision. When we're examining students in the fall semester, we've read their file holistically and individually and then we've given it a score and put it on a matrix and we have a procedure that's then comparing groups of students to groups of students who have like scores and like AIs, but we believe that the [29] summer class**

**-- because this is our last opportunity for students, that we want to look at an individual student and say, yes, we're going to admit you or, no, unfortunately we can't admit you and you can go to the Coordinated Admissions Program.**

Q. So is the difference between the fall review and the summer review that the admissions office focuses more on the individual for the summer -- I mean, for the summer class?

**A. The summer -- the summer class, the admission decision is as individualized as we believe we can make it --**

Q. Okay.

**A. -- which is different from the fall.**

Q. Now with regard to the fall class, the applicants are placed on a matrix and compared with other applicants?

**A. That's right.**

Q. And how does the admissions office determine which students will be admitted to the fall class and which will not be admitted to the fall class?

**A. We start the process -- Again, I mentioned earlier we talk about starting top down, which means we start at a student's first-choice major. After all the applications are received, deadline being February 1st,**

**another ten days or so to process all of the documents and so usually by [30] mid-February we have our complete applicant pool and usually by the third week or so in February all files have been read and scored. So at this point every file that's complete by the deadline, that's been read and scored has an AI and PAI and those students, applicants, then sit on their first-choice matrix for all the colleges and schools**

**All through this process, from the minute we open the application, we've been admitting top ten percenters on a rolling basis who qualified for automatic admission in their major so we've already let go thousands of students who are admissible. So we're left at this point in late February -- mid to late February with students in their first-choice major on the first-choice matrix and we start the process there. And we typically start with three liaisons and liaisons are the associate directors or assistant directors who liaise between the admissions office and the school or majors they represent. We typically start with Business, Communications, and Engineering, those are our three most impacted programs. So three associate directors -- and I'm one of those -- we begin the admission process by the three of us examining our matrix, determining the number of spaces that we have available outside -- that we've admitted so many for top ten percent already and we know what our top is and we start to look at our matrix and look at the number of students [31] that are sitting in the cells, compare that to the amount of space that we have, and we start essentially drawing our lines and moving those lines to the point that we can achieve the number that we're trying to achieve for admission into that class.**

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**There are multiple other variables that are part of that. When we decide to admit a cell -- and a cell is represented by the intersection of the personal achievement and the academic index -- personal achievement index and academic index, we commit to admit everyone who is in that cell, we don't pick it apart. And so the three of us at that level with kind of those three most impacted majors have to be aware of who might be coming to a second choice because we don't give priority to first choice or second choice, students can move through the process. So we have to be aware of the cut, the line that needs to be made for -- that's going to be made in Communications and how that might affect Business and the line that's going to be made in Business and how that might impact Communications, how either of those might impact Engineering, how the Engineering majors, because they're admitted individually, might impact each other.**

**And so we typically sit in a room much smaller than this, but at a table together to start that process because we know that we'll be trading students, but** [32] **we begin it there with those three most impacted programs. And as we make progress with those majors, then we bring in the other schools and colleges and their liaisons to start moving through the rest of the process.**

Q. Now when you say "most impacted schools," what do you mean by most impacted?

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**A. Those are our schools -- earlier when you asked if all top ten percenters were admitted to their major and I said not necessarily, if a school has exceeded their -- the number of spaces they have available for incoming freshman, exceeded 80 percent of their space, that dean is able to ask our director of admissions to limit the number of top ten students percenters who are admissible to no more 75 percent of the class. And several of our programs have done so: The School of Business, College of Communications, the entire School of Engineering which is eight different majors, Kinesiology and Nursing are the programs that are impacted. So we limit the number of top ten percenters who can be admitted automatically to those schools. For instance, Business, only top -- I believe it's four percent gain automatic admission, Engineering ranges from 2 percent to 9 percent, and each of the majors has a cutoff that's established and essentially announced. When we talk to students we tell them what that cutoff is. Once we establish it for the year, we don't deviate from it. So if [33] we say it's going to be four percent for Business, then we commit to four percent for Business.**

**So that's what I mean by impacted schools, those programs that have enrollment limitations for top ten percent applicants.**

Q. So if the -- if the business school has a limitation of four percent, then that means that only the top four percent of applicants admitted pursuant to HB 588 who sought business as their first major will get in to that?

**A. Who -- Well, who sought business as either major because we may get to them as second choice.**

Q. Okay.

**A. It means that they will be admitted automatically without full review. If they meet the four percent threshold for Business and they apply to Business, they'll be admitted without going through the full review process per our house --**

Q. And how--

(Reporter interrupts)

**A. -- per our review read of House Bill 588.**

Q. (By Mr. McCarthy) How is it determined whether students -- How is it determined whether applicants will fall within that four percent?

**A. It's established by their class rank. The class** [34] **rank that's reported by the high school is how we make that determination. What we do on our side to determine the percentage for each of those majors is to look at the previous year's class after the twelfth class day, see how much of that -- how -- at what level of top ten percent filled 75 percent of the class. So we go back and find the -- start counting the top ten percenters -- one percent, two percent, three percent -- until we reach the 75 percent mark and we use that, or as close to it as we might be, for the class that's coming in the following year.**

Q. Okay. So in other words, if four percent is the number for the business school, does that mean that in the prior year 75 percent of the freshmen in the business school were the top four percent of their graduating high school class?

**A. Approximately, because it may be that the 75 percent mark was at -- or let me rephrase that. Maybe the top four percent of the class was at the 69 percent mark, but the top five percent of the class was at the 78 -- 76 percent mark, so we have to find the closest to it while being as conservative as we can be.**

Q. Okay. So if the number is -- Just to make sure I understand, if the number is four percent for the business school, then that means that only students that get admitted to the University pursuant to House Bill 588 and are within [35] the top four percent of their high school class gets into the business school automatically?

**A. Automatically, that's correct.**

Q. Okay. But then other students who either get admitted to the University via House Bill 588 or even outside of the top ten might still be admitted to the business school.

**A. Those students who are five through ten percent, as well as 11 percent on down, will all compete for -- can all compete for admission into Business.**

Q. Okay. When the admissions office considers applicants by major like this, does it start with these most heavily impacted schools first?

**A. Not every -- before -- To answer your question, not every school admits by major. The School of Business, for instance, admits at the school level. We admit to the -- directly to the School of Business. Engineering admits per major, Communications admits on a single credential for all communications majors. So it varies from school -- from school to school. Some admit by major, some admit by -- at the college level.**

Q. Okay. To help -- to help me understand exactly how this works, can you give me an example of an applicant with a particular first choice and second choice and how they might he evaluated at one major and then another?

[36] **A. Okay. A file has been read and scored, the student has a PAI and an AI. So let's say this particular student is top six percent, first-choice Business, second-choice Communications. The automatic admission -- the automatic admission cutoff pursuant to House Bill 588 for Business was four percent, so this student doesn't meet the threshold for automatic admission into Business. Business is still their first choice and that -- so that's where we'll consider them. So this student will be evaluated along with all other applicants who are non-top four percent on the basis of their AI and PAI. So the liaison for Business, as she's making her lines and establishing the cutoffs -- the AI-PAI cutoffs for the School of Business, this particular student will**

**fall within those cuts or outside of those cuts. Still a top ten percenter, but theoretically, depending on the full -- the full read of their file, they may not fall inside of the cuts made for Business because it's only twenty-five percent of the spaces and for that matter it's only 15 percent of the Texan spaces because we admitted 90 percent of the -- for the class Texan.**

**So if the student does not fall -- if the student falls within the cuts, then they get admitted to Business, but they're admitted per review, not per House Bill 588. If the student's outside of the cut, then [37] that student cascades to their second-choice major, in this case Communications. Student's top six percent Communications, then that student would be automatically admitted to Communications because that's their cutoff for automatic admission, six percent. So the student was fully reviewed and considered for their first-choice major for Business, both top ten percent as well as per review, did not gain admission, went to their second choice and meets the threshold -- top ten percent threshold for admission into Communications.**

Q. Okay. How are the cutoff lines drawn for particular majors? Maybe this will help --

**A. It will.**

Q. -- with an exhibit.

MR. McCARTHY: Can I have this marked as Deposition Exhibit 7?

(Deposition Exhibit No. 7 marked for identification)

Q. (By Mr. McCarthy) And this is marked as Deposition Exhibit No. 7 and this has a Bates number on it of D-837.

**A. Okay.**

Q. Are you familiar with this document?

**A. I am.**

Q. Okay. Can you tell me what it is?

**A. Yes. This is an example of one of our matrixes.** [38] **This particular matrix is for the School of Nursing, non-residents -- non-Texas residents.**

Q. Okay. And how does -- I should say this. Who, in the admissions office, is responsible for the drawing of the cutoff line?

**A. The liaison for the college or school being represented is responsible for that, an associate or assistant director.**

Q. Okay. And how does that individual determine where to draw this cutoff line?

**A. They make the determination based on the number of students in the cells compared to the number -- the amount of space they have available for that particular major, college, or school.**

Q. And how do they determine how much space they have available in their major?

**A. That information is provided by me. At the beginning of the process we receive notification of the size of our class, whether or not we're going to hold the class steady -- hold the class steady at whatever the number is -- 7400 has been the typical number -- or 72 to 7400. The -- we work with the schools -- colleges and -- school colleges and deans about the class size they desire to bring in. Typically those two are the same because we establish university class size and then we work with the schools. [39] Sometimes they want to grow a little bit or shrink a little bit and we discuss that with the liaison, the director of admissions, and the dean at the beginning of the year. From those numbers -- those overall class numbers and from the numbers that are provided by each of the liaisons represented from their deans, I take all of those figures and separate out the number of enrolled students that we want to have for Texans, non-residents, and international students and we make those distinctions because each -- the three of those have different yield rates. We're committed to being an international institution and so we have an international class, we have a domestic non-resident portion of the class. Those two numbers make up about ten percent of our population, typically**

**seven percent non-resident, three percent foreign, and then we have the remaining 90 percent of the spaces that are -- will be allotted for Texas residents.**

**The -- we -- I make determinations for the number of offers that need to be made based on the previous year through -- and the previous three years -- three-year average yield rate for the major or school that we're making the admission decisions for. So I'll utilize our yield tables that tell us -- we have years of yield data that tell us how many -- what the yield rate has been for a particular class and I'll make a comparison of the one-year yield rate, [40] which is the previous year, as well as the three-year average, to apply that yield rate to the number of students we want to matriculate to determine how many offers we need to make and I do that at the college level and at the major level. And so those numbers are then provided to the liaisons. They're ticking off from the beginning from -- from the number of those spaces the top ten percenters, because those students have committed once we've established the cutoff very early in the process. And so from their target number for the number of spaces they have, they're every day -- three times a day by this time of year ticking off the number of top ten percenters that have been admitted. And at the end of that process, they're left with the amount of space they have for residents, non-residents, and we send to the -- our graduate international admissions office -- they're responsible for admission of international students, so they get those figures from me and that's how I produce them.**

Q. Okay. Now getting back to the numbers of non-residents and international students --

**A. Uh-huh.**

Q. -- you said that -- you said that seven percent of the average incoming class is reserved for non-resident domestic students?

**A. That's correct.**

[41] Q. And then three percent is for international students?

**A. That's correct. And that fluctuates, eight and two, seven and three.**

Q. Okay, so that fluctuates a bit from year to year?

**A. Uh-huh.**

Q. Okay. Does the University try to have that same ratio for the various schools or is that just a general number that applies to the freshman class?

**A. It's the various schools. We make those distinctions at the school level or even major level for those programs that we admit by major. So those distinctions are fine-tuned depending on the level of admit that we're making.**

Q. Okay. So if -- So at any given school at the University, the percentage of non-resident domestic students will be roughly seven percent?

**A. Yes, approximately.**

Q. And for international students approximately three percent?

**A. Yes.**

Q. And now once -- You explained to me how the number of available spaces is determined. Correct?

**A. That's correct.**

Q. Once that number is determined, how is the line [42] drawn that indicates the cutoff?

**A. Well students have been read and scored and if they're sitting in their first-choice major, then they are sitting on the first-choice matrix and they're sitting at the intersection of their academic index and their personal achievement index. The -- the liaison is charged with finding the number of spaces -- the number of students to match the number of spaces that they have left. Our admissions process is one that's based on a holistic review of files. We -- we use that same mindset when we approach the drawing of the lines on the matrix such that we try, depending on where students fall because obviously they may be all over -- all over this matrix, they don't always line up**

**where we want them to, we try to represent our line the same way that we represent our process, giving due justice to the student's academic strength as well as their personal achievement strength and we refer to that as the stair step.**

**And so liaisons try to stair step their lines so that they are capturing -- allowing students who are perhaps the brightest students to perhaps have a less robust personal achievement score and allow students who are the most able outside of the classroom to -- they -- it requires of them -- if they're less able in the classroom, but they're accomplishing outside of the classroom to have a higher threshold and so we utilize what we call the stair [43] step so that we -- if we drew the line vertically, we'd only be representing academic achievement; if we drew it horizontally, we'd only be recognizing personal achievement and so we try to honor both. And liaisons have full discretion in the drawing of their lines with the rules being that they have to take every one in a cell that's in a cell, there's no dividing of the cells, and every one that is above the line is admitted. And so the line is always drawn essentially from the top left down to the bottom right because everyone that will fall above that will gain admission.**

Q. Okay. So when this line is drawn, it's drawn to attempt to maximize both the personal achievement and the academic ability.

**A. Yes.**

Q. Okay. What if there is more than one way to draw the line consistent with the stair-step rule that you indicated, what happens then?

**A. The liaison has full discretion to determine where that line is drawn.**

Q. So they have no guidelines limiting them in one way or another?

**A. The -- Other than what I've just mentioned, I mean, that we respect the process in that way, no. I mean, they start the line from left to right and they move it [44] upwards, you know, across, but they get to make the decision based on where the students have fallen into the matrix as to where they draw that line.**

Q. Okay. For particular majors -- where particular majors are evaluated individually, can they have different cutoff lines?

**A. For the different majors?**

Q. I should say this. For different majors -- where different majors in the same school are evaluated independently --

**A. Uh-huh.**

Q. -- can they have different cutoff lines?

**A. Absolutely, yes, because at that point the major -- students are competing for that major, they're not competing against someone in another major. And so the level of competition is held only within that context.**

Q. And for students that fall below and to the right of the cutoff line, how is it determined whether they go to second-level review or not?

**A. They go -- they cascade to second-level review -- second-choice review.**

Q. Okay.

**A. If they're in their first choice and the line has been drawn and they're not above the line, then they cascade to their second choice. And so the process begins again, [45] but we're now at students who are in their second-choice major or a combination of the two.**

Q. Okay. In a given -- And let's look at Deposition Exhibit No. 7 that's in front of you. In a given matrix for a major such as that one --

**A. Uh-huh.**

Q. -- are some of the students within those cells there under review of their first major and some under review of their second major?

**A. That's right.**

MS. KNEELAND: Objection; form.

Sorry.

**A. Yes. Yes, they are.**

Q. (By Mr. McCarthy) So the students that are -- the students who are in that matrix being reviewed for their first major, if they fall below or to the right of the cutoff line, they get cascaded to their second major. Correct?

**A. That's correct.**

Q. What happens to the students that are below and to the right of the cutoff line who are there being reviewed for their second major?

**A. Then they are cascaded to Liberal Arts Undeclared, which is our automatic third-choice major if they're not already. Their second-choice major may have been Liberal** [46] **Arts in which case they remain in that pool. But if the student is not admitted to their first- or second-choice major, they cascade to Liberal Arts Undeclared for a third-choice review and so they're in that matrix.**

Q. Okay. Once students get to the third-choice major review in Liberal Arts Undeclared, is the cutoff line drawn in the same manner as it is for other majors and schools?

MS. KNEELAND: Objection; form.

**A. If there's space for the College of Liberal Arts then, yes, there's a line drawn for fall admission to Liberal Arts Undeclared just as there are for all other --**

(Reporter interrupts)

**A. -- schools.**

Q. (By Mr. McCarthy) And what happens to the applicants that don't make the cutoff line on the attempt of their third major?

MS. KNEELAND: Objection; form.

**A. At this point we are completing admissions for the fall semester, so we -- if we have drawn a line for Liberal Arts Undeclared for residents and non-residents, then we've completed admission for the fall semester. All majors and colleges and schools are essentially full at that point. So the next determination that needs to be made is who's going to be reread for summer freshman class. And so the same matrix is used, the Liberal Arts Undeclared matrix [47] because everyone is there and we have only Texas residents are considered for summer freshman class. So if a non-resident is not admitted to Liberal Arts Undeclared for the fall semester, they receive a deny, that's the end of their -- end of their consideration. Texas residents, at this point there may be 9,000 or so students sitting on the Liberal Arts matrix, we draw our final line to admit to the fall semester, then have to determine how many we're going to read for summer freshman**

**class. Our summer freshman class, enrolled is about 800 students and it has a yield rate of 50 to 51 percent so we know that -- as is for all of our majors we, what we call, overbook, we overadmit and then let the yield get us down to our class size. So for summer freshman class we know to yield about 800 students, we need to admit 1500 to 1600 students to summer freshman class. We also watch the trend of the yield for summer freshman class, it's been going down, and so we kind of accommodate that as we're adjusting our numbers. So that tells us how many students we need to admit. Essentially we double that number to say we need to read 3,000 to 3100 files in order to make decisions for who will admit to summer freshman class, so we set the number at 3,000 to 3100 students. Then a line is drawn, just like it's drawn for all the -- for the fall admits, to capture 3,000 to 3100 students or so. In this case the students who fall within those lines are the** [48] **students that are read for summer freshman class. That's the end of the use of the matrix at that point once that line is drawn.**

Q. (By Mr. McCarthy) Okay. So the cutoff line to detennine who is reviewed for summer freshman class is drawn consistent with the same rules that apply to the drawing of the cutoff line for other matrixes.

**A. Pursuant to the amount of space, yes.**

Q. Okay. So it's pursuant to the amount of space and consistent with the stair-step rule.

**A. That's right.**

Q. Okay. And then how are these 3,000-some applicants reviewed for the summer freshman class?

**A. Once we establish who those students are, we've set a date for senior staff reviewers -- I think that are 12 of us that participate in summer freshman class rereads -- we set aside a week to seven days that we'll conduct the summer freshman class review. Our processing unit prints every one of those files, they print -- they're bringing down the boxes for days because it takes awhile to get through all of those and we sit in a room in our director's office and we start reading files. And we read a file and make a determination of admit to summer freshman class, admit to CAP, and in some cases by this point we may have space in the fall -- small amounts of space in individual [49] programs in the fall that we may say we have "X" number -- "X" amount of space in Business and some other major, but the files are read at that point to award and admit decision.**

Q. Now if there's space in the fall at that point, is it because the yield rate was lower than expected?

**A. Perhaps we've been seeing yield come in, we've been watching deposits at that point, we see that after we finish drawing all of the cuts and run what we call "end process," which is the final count of everything that we think will happen, that there's a little bit of space remaining in a major. So for those reasons there**

**might be small amounts of space. For last year we didn't have any because we essentially filled with top ten percenters and the few remaining students that we put in some programs that we needed to assure had a class and so the box for fall was actually covered and you might want to really be sure you want to admit this student for the fall. We didn't have quite the liberty to admit students to the fall semester that we have in the past, but it's an option. If you see an outstanding student and you can think of no -- nothing but the fall to award them, it's an option.**

Q. How often is it that there is an outstanding student at that stage of the game that has not been admitted to the fall class?

[50] **A. Last year there were about 70 students that were put in the fall box and I wasn't able to put all of them in the fall semester, but we did take another look at them.**

Q. How is it that that many students -- that many outstanding students makes it through without getting accepted to one of their majors?

MS. KNEELAND: Objection; form.

**A. I would say that 70 out of 30,000 is not that many. I think it's actually representative of how competitive this is, but students select their first- and second-choice major and so sometimes they fall victim to the selections they made. For instance, it's not uncommon**

**for a student to have first choice Business, second choice Communications which are two of our most impacted and most competitive schools on campus. Liberal Arts Undeclared is most impacted by top ten percent because every top ten percenter who is not awarded their first or second choice if they're impacted is awarded Liberal Arts and so those spaces are quickly acquired by top ten percenters. So the cutoff for top four Liberal Arts might be very. very high. So it's certainly plausible that -- I mean, a lot of -- many, many students in our summer freshman class we reprocess are outstanding students and it's because of the competitive nature of the limited number of spaces that non-top ten percenters had available to them in the fall [51] class.**

Q. (By Mr. McCarthy) When senior readers review application files for the summer class, is it correct to say they're just making an admissions decision then?

**A. Yes.**

Q. Okay. So if -- And you're a senior reader. Correct?

A. **Yes.**

Q. So when you read an application for summer freshman class, when you complete your read of the application, you decide admit to the summer class or CAP program?

**A. Yes.**

Q. Okay. And the admissions office shoots to admit approximately, you said, 1500 to 1600 or so --

**A. Uh-huh.**

Q. -- students for the summer freshman class?

**A. That's correct.**

Q. Out of about 3,000 or 3100 applications?

**A. That's correct.**

Q. So do the senior readers monitor how -- do senior readers monitor how quick that summer class is filling up when they review the files?

**A. Twice a day. At lunch I'll -- we count the boxes, our assistants are counting the boxes and they tell me how [52] many students we have in the CAP box, how many students we have in the summer box. I'll take those two numbers and subtract it from the total and put a sign on the door that says we've read -- we've read "X" number of files, we have this many in summer, this many in CAP, this many to go. The "to go" is often very important.**

Q. So do the standards ever change during the summer review process based on how quickly the class is filling up?

**A. No. What we've always seen for the years that I've been doing this, and I started managing this process in 2005, is that it stays fairly even. The numbers are fairly consistent throughout the process of the summer read. We don't see summer freshman class filling up faster than CAP or vice versa, but that -- and we monitor it for that purpose to make sure that we're staying consistent and that's always -- it's worked out that it has.**

MR. McCARTHY: Can we take a break?

THE REPORTER: Off the record, 3:19.

(Recess)

THE REPORTER: On the record, 3:32.

Q. (By Mr. McCarthy) Dr. Ishop, why did the University first adopt the AI-PAI system of making admissions decisions back in 1997?

MS. KNEELAND: Objection; form.

**A. After -- I'm speaking a little bit before my time, [53] I joined the staff in 1998. The University desired to go to an admissions process that was not formulaic or essentially strictly by the numbers and instead to evaluate -- we had reached a point where our application numbers were increasing significantly, we were beginning to control the size of our class because those application numbers were growing thereby becoming more selective and we wanted to institute**

**an admissions process that was holistic rather than strictly based on test score and class rank, which was the process that we had prior to that. Many of our peer institutions use holistic review processes or a process that encompasses credentials and criteria beyond just test score and class rank and we were entering in to that same realm and wanting to have an admissions process that reflected that.**

Q. (By Mr. McCarthy) Okay. What was the defect of the prior system?

MS. KNEELAND: Objection; form.

**A. Considering an applicant on the basis of just their test score and class rank leaves out all of the life experience and circumstantial experience that that applicant faces that's also important not only to how they developed and the type of student they are, but also to what they can contribute to our campus. We're a fine academic institution, but we also are responsible for producing [54] leaders for our state, leaders for our nation for that matter, producing students who can return to their communities well prepared to lead their communities and there are aspects of that student's background that aren't captured by test score and class rank that we wanted to be able to examine.**

Q. (By Mr. McCarthy) Well prior to the implementation of the AI-PAI system in 1997, isn't it the case that the University was employing some kind of an affirmative action type of program in admissions?

MS. KNEELAND: Objection; form.

**A. There was. And prior to that it was part of the evaluation of test score and class rank, there was an affirmative action program that was in place as well.**

Q. (By Mr. McCarthy) And so was part of the reasoning for the change in admission systems due to the Hopwood Decision?

**A. It was the impetus for the change.**

Q. Okay. In 2005 the University first started considering the fact of race in admissions. Correct?

**A. That's correct.**

Q. Prior to that time the University was conducting a holistic full file review process. Correct?

**A. That's right.**

Q. So why did the University decide to add race as a [55] factor to be considered in admissions decisions?

**A. Because race is an important -- is an important credential to be considered. It's a -- it allows us to, just as the purpose of the holistic admissions process is to contextualize the student's application, race is a factor that helps us do that. It helps us examine the student in their totality, everything -- everything that they represent, everything that they've done, everything**

**that they can possibly bring to the table. And so it was added once it was allowed to be added so that we could look at those students in that manner.**

Q. What impact does the inclusion of race as a factor have on the class at large?

**A. What do you mean by "impact"?**

MS. KNEELAND: And I'm just going to ask -- Off the record for a second.

(Discussion off the record)

Q. (By Mr. McCarthy) What -- what was the University's -- what was the University's goal or objective in adding race as a factor?

MS. KNEELAND: Again, Ms. Ishop has not been designated for the goals and objectives. That's topic No. 4, I believe, and 6 and 5 and those are for Dr. Walker.

MR. McCARTHY: Okay.

MS. KNEELAND: And, Dr. Ishop, I don't mean [56] to in any way intimate that you don't have some knowledge of that, it's just we picked a particular witness to talk on that topic.

THE WITNESS: Understood.

Q. (By Mr. McCarthy) Is it the case that the consideration of race may be beneficiary for some applicants?

**A. What do you mean by "beneficial for some applicants"?**

MR. McCARTHY: Can we mark this as Deposition Exhibit 8?

(Deposition Exhibit No. 8 marked for identification)

Q. (By Mr. McCarthy) Dr. Ishop, I'm -- I just handed you what's been marked as Deposition Exhibit No. 8. Can you tell me what that is?

**A. Yes, this is my affidavit.**

Q. Okay. Can you look at paragraph 4 on the affidavit?

**A. Yes.**

Q. In the paragraph that runs over to the second page, in that affidavit you say that race may be beneficial for minorities or non-minorities alike depending on the factors of a particular situation. Correct?

**A. That's correct.**

[57] Q. Okay. What did you mean by that?

**A. That race, within the context of the rest of the application, can be beneficial to any applicant, to Whites as well as minority applicants.**

Q. And how may the effect of race be beneficial?

**A. Race is read within the context of the file, but the race is known within the context of the file. So when a file is being evaluated, whether that file is of a minority applicant or a majority applicant, the context of that student's cultural awareness, racial experiences, the context in which they may have placed themselves in or out of their -- their own environment could benefit any student.**

Q. Could you give me an example of how it might help?

**A. An example that I can think of is, you know, maybe one that we -- when we first began, you know, doing this process. We had a file from a student, this was a white male student from a suburban high school that sends us a lot of students who wrote in his essays and demonstrated on the his resume his involvement with an after-school activity group for a number of years in South Dallas, Dallas County in North Texas. And he described in his essay how he came out of his bubble -- and bubble is an admissions term -- a high school term that students use to describe their own environment -- and grew to learn a lot about himself and learn a lot about others by participating over a long period [58] of time in these other experiences. So the context of his race and his cultural awareness for others and experience with others was something that was considered when we were reviewing that file.**

Q. Are there other ways in which race may be beneficial to them?

**A. I don't know what you mean by "other ways." I mean, it's contextual, it's --**

Q. I understand.

**A. -- it's any number of ways.**

Q. Is there another type of example? I mean, I guess your example, if I -- tell me if I characterize this correctly, but your example seems to indicate that race may work to the benefit of the applicant who's exhibited some sort of cultural awareness due to their race.

**A. Uh-huh.**

Q. Is that right?

**A. That's right.**

Q. Okay. Is there any other way that race may be beneficial?

MS. KNEELAND: Objection; form.

**A. I think, you know, that's the -- the crux of the use of race is to contextualize that applicant's race and their experiences and what they've accomplished and what they present to us in their application. It's not to set** [59] **aside that demographic and make a distinction in the file. It's used with what all we know about the student, what we know that they've told us, what we know from what they haven't told us, perhaps their letters of recommendation have told us, what they tell us about their -- their background -- their family background, what we know about their school or their neighborhood. It's used within the context of all of that to determine the score that we give that file. So race is**

**a nugget that helps us understand the file and evaluate the file circumstances. It doesn't stand alone, you know, by itself so there's no -- it's difficult to give examples or it's difficult to -- it's impossible to say, you know, that there's, I guess, another way that it's used without, you know, saying again that it's contextualized.**

Q. (By Mr. McCarthy) How many applicants' files do you read each year?

**A. I probably review 1200 or so personally, me.**

Q. And out of those approximately 1200 or so, how many of those applicants' files are impacted by their race in one way or another?

MS. KNEELAND: Objection; form.

**A. I have no idea. I couldn't even begin to estimate that.**

Q. (By Mr. McCarthy) But race is beneficial for some.

[60] **A. The review of -- The fact that we include race in our admissions process and the fact that it's a criteria and it's a demographic that's part of the file that we're reading, it's as beneficial for some as their level of involvement with student council may be beneficial for some, as the strength of their letter of recommendation may be beneficial for some. So it's one of those criteria factors that may benefit some students, may not benefit other students, but it's not it's not based on their race, it's based on the context of their file.**

Q. I think you have in front of you still what's marked as Deposition No. 1 -- or Deposition Exhibit No. 1. I'm sorry.

**A. All right.**

Q. And we talked about that before how on the second page there are listed a number of factors and special circumstances that fall within the components that make up the personal achievement score.

**A. Uh-huh.**

Q. Now is it inaccurate there that the school, in their official publication, indicates that race is a special circumstance?

MS. KNEELAND: Objection; form.

**A. No.**

Q. (By Mr. McCarthy) Well, it seems to me -- Is the [61] only way that you can describe how race impacts an applicant's file is through cultural awareness?

**A. Through -- I think what I'm trying to explain is that race impact a file contextually. A student's cultural awareness for us is how does -- how does a student contribute to -- In the various methods of diversity that we're trying to bring to our campus, one of those is racial diversity. But for us racial diversity is about how does the student maneuver in their own world, how do they maneuver in someone else's world, what kind**

**of awareness do they have of their world, what kind of awareness do they have of the other possibilities that are out there? Students tell us that they seek UT Austin because it's a diverse campus. They mean a lot of things when they say -- when they use the word "diversity."**

**So race as a factor is used to examine the context of that student's life represented by what that student tells us about themself, whereas a test score is used by itself. We can say what a test score is and a test score has a very specific purpose and it's an objective number, race is like all of the other factors that we have listed in the personal achievement index. It's as we examine socioeconomic status, it's as we examine language spoken in the home, it's as we look at the -- their extracurricular activities and the level of achievement [62] within those activities. It helps us put into prospective what that student has accomplished or not accomplished in their high school career.**

Q. I believe you mentioned that the University seeks to promote many different kinds of diversities. Is that correct?

**A. That's right.**

Q. What kind of diversity does the use of race as a factor in admissions promote?

**A. Using race in admissions helps us achieve racial diversity.**

Q. Okay. When applicants are reviewed for the fall class --

**A. Uh-huh.**

Q. -- that's when they're placed on a matrix relative to other applicants. Correct?

**A. That's right.**

Q. As opposed to when they're reviewed for summer class, they're reviewed just individually.

**A. That's right.**

Q. Okay. And I think you said that when reviewed for the fall class, that means that they're compared against each other. Correct?

**A. When reviewed for the fall class, once -- once the scores have been reached, they have a PAI and an AI score, [63] they are in a cell with -- presumably with other students. They may be one in a cell depending on the major, but presumably a group of students will have like scores.**

Q. Uh-huh. And the various students in one given matrix are being compared against each other.

**A. That's right.**

Q. Okay. And in any given matrix, is it the case that some students may have benefited from the consideration of race and others not?

**A. That's plausible.**

Q. So is it accurate to say that the students who have not been benefited by race in that matrix have been negatively impacted by the positive benefit given to the students that have some benefit from race?

MS. KNEELAND: Objection; form.

**A. No, I don't think -- I don't think so. I think what you're saying is that there are students in the cell who -- you're asking if there are students in the cell who have benefited --**

Q. (By Mr. McCarthy) Uh-huh.

**A. -- from the use of race being compared to students who have not benefited from the use of race. Perhaps. It's an unknown. When we're evaluating the cell, we're not evaluating individual files at that point. When we're in the matrix, we're making decisions on the number of students [64] that are within that cell so that the file had been read individually and scored, essays and resume, and the result of that placed the student within that -- within that cell, but --**

Q. So the results of the review of their file determines what cell they're in.

**A. That's right.**

Q. And in a particular matrix, as we went over before, some students may have benefited from a consideration of race and some may not have benefited from a consideration of race.

**A. Yes. I believe I -- if I understand your question, just as any other factor in a file may have benefited or not benefited another student, sure.**

Q. Certainly socioeconomic status may benefit some in a matrix and not others in a matrix.

**A. Uh-huh, yes.**

Q. And the whole file review which takes into account that socioeconomic status ends up determining which cell they're in. Correct?

**A. Right, the full file review, exactly.**

Q. So then, again, I'll try to restate my question. I think before your answer was perhaps, but if a student is not benefited by a certain factor --

**A. Uh-huh.**

[65] Q. -- and another student is benefited by that same factor, couldn't it be said that the first student is negatively impacted by that factor?

MS. KNEELAND: Objection; form.

**A. I think you're wanting to single out a factor and establish that that factor placed a student within a cell or not and I guess my hesitation is that a single factor from which a student benefits positively or negatively is not the determination for where a student is placed on the matrix.**

Q. (By Mr. McCarthy) I understand -- I understand that it's a holistic review. I'm not meaning to say that either race or socioeconomic status itself puts a student in one given cell.

**A. Okay.**

Q. It's the entire full file review that determines what cell a student ends up in.

**A. Right.**

Q. But certainly each individual factor is a part of that full file review.

**A. Sure. Students arrive at cells for different reasons because all of their files are different. So an individual student that's within a cell may have arrived at that cell from a different -- well, they did, they arrived at that cell from a different file and from a different review. So there are all sorts of combination of reads of** [66] **the file that help a student arrive at a certain cell. When we begin -- when we read files, we're**

**not -- you know, looking at my -- my affidavit uses the term benefits, but I think what's most accurate is that it's not necessarily a question of -- in the reading of the file, it's not as though a file is read and a student benefits -- benefits from the use of race, meaning we move a student -- a student -- we're reading a file and we make a different determination because of what we read in regard to race, that race is used in combination with all of these other factors -- if it were socioeconomic status, same issue, if it were being Eagle Scout, same issue -- to help a student arrive at that particular cell. So students -- we start the process advantaging all students and, you know, kind of -- we say in-house kind of so you want to be a six, which six is our top score, and we evaluate students based on that promise of full potential and then work our way to where a student actually achieved.**

Q. And I understand that none of these factors are dispositive or determinative as to which cell a student ends up in, but isn't it the case that every one of these factors has some impact at the margin?

MS. KNEELAND: Objection; form.

Q. (By Mr.McCarthy) We'll try this in the reverse way. It is a holistic review of all of these factors and [67] special circumstances. Correct?

**A. Correct.**

Q. And that holistic review of all those factors and circumstances yields a personal achievement score.

**A. That's correct.**

Q. Which, in turn, with other components yields a personal achievement index.

**A. Correct.**

Q. Despite the fact that it is a holistic review, each factor is meaningful. Correct?

**A. Yes.**

Q. And each factor does, or at least has the ability to, impact personal achievement score. Correct?

**A. Yes.**

Q. So then isn't it the case that some applicants' scores must necessarily be affected -- by individual factors?

**A. Yes.**

Q. Okay. During the holistic read of an application file, would you characterize that read as subjective?

**A. Yes.**

Q. Are there any objective guidelines at all?

**A. For the read of the full file that determines the personal achievement score, beyond our training -- and it's in the course of the training that we establish our uniformity for awarding scores -- it's a subjective process.**

[68] Q. Okay. And I guess -- Earlier I think you stated that the adversity index gets some sort of score in an objective sense. Correct?

**A. That's right.**

Q. And the essays are evaluated in a holistic manner, but they ultimately receive an objective score. Correct?

**A. They receive a score.**

Q. A score.

**A. It's a subjective read, but they receive a score.**

Q. I'll take out the word objective. So there's a subjective holistic read of those essays and they receive a score.

**A. That's right.**

Q. And the remaining factors, aside from the essays, aside from the adversity index, are wholly subjective. Is that correct?

**A. That's right.**

Q. So is it possible that different readers could give different scores to the same application?

**A. It's possible and it's something we, one, train against; but, two, we also have a standard of acceptance for there being a one-point differential between scores. We've conducted testing to assure that we're at that level and that's a -- that's kind of an industry standard for -- for reviewing.**

[69] Q. I think Dr. Lavergne talked about that earlier, how within one point --

**A. Right.**

Q. -- of the true score, so to speak, is acceptable.

**A. That's right.**

Q. Okay. I want to go back to when you sort of gave me the timeline of the admissions process.

**A. Okay.**

Q. Am I correct in stating that when evaluating non-top ten applicants, the admissions office is aware of the numbers admitted through HB 588?

**A. When evaluating all applicants -- and I make the distinction because, again, there are some of those top ten percenters who are not automatically admitted, so at any point in the admissions process we are aware of how many students have been admitted.**

Q. And those -- Okay, I guess I'm a little unclear at this point

**A. Okay.**

Q. Now am I correct in stating that students admitted pursuant to HB 588 are not actually admitted until they're placed within a school?

**A. Correct.**

Q. Okay. But it is known that they are intended to be admitted?

[70] **A. Right, admissible.**

Q. Admissible.

**A. Intent to admit, yes.**

Q. Are all of -- does the admissions office determine -- does the admissions office determine how many of those students are admissible before proceeding to evaluate applications of students outside of the top ten?

**A. You're asking if we're involved with determining how many of the non-House Bill 588 admits to impacted majors are admissible, if we participate -- if we --**

Q. Maybe I didn't -- maybe I didn't phrase this right, it's sort of complicated. What I want to try to find out here is whether the Office of Admissions first determines how

many students are admissible pursuant to HB 588 before they proceed to evaluate applications outside of the top ten.

**A. We are -- The first step of the process once we begin the admissions process outside of our rolling admit of top ten percenters who meet our threshold board mittance into the various majors, the first step of the process that we began in mid to late February time is to finalize our House Bill 588 admits, which means that we get all of those impacted majors to the 75 percent mark. It may be, for instance, that Business was set at four percent, but four percent only filled 72 percent of the class and so we** [71] **start counting down in rank order the Business applicants in top ten percent rank order from 95.9 percent down to get ourselves to the 75 percent mark so that we can honor the commitment that we put 75 percent in automatically. The next step -- So that then takes care of all of our House Bill 588 admit students. If they don't -- if they already committed to that first choice -- to that impacted program, then they are now in review and at this point top ten percenters and non-top ten percenters are competing simultaneously.**

Q. I understand that, but does the -- but does the admissions office have a -- have a target number of non-top ten admits at that point?

**A. We know how many spaces we have overall and we also know how many top ten percenters have applied, so we know how many are out there. What we don't know at that point is where will they be admitted and so we have to complete the process that either**

**automatically admits them to their first- or second-choice major or admits them by review to their first- or second-choice major.**

**And I think the point I'm trying to make, I think to answer your question, is that we don't just finish top ten percent and then move on to non-top ten percent. Because on a given matrix, once we've admitted all the students to Business who are top four percent, now I have a [72] matrix of -- and this is purely an estimated number, purely a guess number -- 600 students and I have 80 spaces left to give to The College of Business, that's the remaining 15 percent of Texas residents for the College of Business; of those 800 students that are on the matrix, some of them are top five through ten percent, others of them are from any other class rank range. And so the admission decision is then made by drawing a line on the Business matrix to make that determination.**

Q. I think I understand all that, that students -- students that are admissible through HB 588 are not placed in their majors entirely before you start the process for the students that apply outside of the top ten.

**A. Okay.**

Q. Correct?

The only thing I'm trying to find out is when you start the process of reviewing applicants in the non-top ten, are you aware of the total admissible number of HB 588 students? Not necessarily where they're placed, just the number.

**A. The overall number for the class?**

Q. Uh-huh.

**A. Yes, because we know how many applied and completed their applications.**

Q. Okay. So then is there a -- and I understand that [73] the decisions can't be made yet as to major without considering some of those HB 588 applicants with the non-top ten applicants, but is there a target number overall for the whole incoming freshman class in terms of non-top ten admits at that point?

**A. The target number for non-top ten percent is the difference between the number of spaces we have and the number of top ten percenters who applied and complete their application by the deadline --**

Q. Okay.

**A. -- so yes.**

Q. Okay. At that point does the Office of Admissions also have statistics about the racial demographics of those admissible under HB 588?

**A. The Office of Admissions maintains a headcount -- it's what we call EASI, Electronic Access to Student -- I can't remember what the "I" stands for right now -- Information, I think. We have a headcount that essentially does that, counts applications. It tells us the**

**number of applicants, the number of Texas residents, non-residents, foreign, number of -- there's a racial breakdown for each of those, we have -- and it breaks it down per semester, college, school, and major if it needs to -- if we need to see it at that level, we can see it at that level. That headcount exists for the Office of Admissions.**

[74] Q. Okay. And is that information updated continuously throughout the admissions process?

**A. It updates nightly.**

Q. Okay. So is it the case that admissions officers on any given day can take a snapshot of what the admitted class looks like so far?

**A. Absolutely, it's part of our business. We have weekly staff meetings and one of the things we look at is to see the result of our admissions process. One, to see the result of our prospect pool, how many students are applying and what do those demographics look like, as well as to see -- It reflects what's been done. So if on -- if on a Monday liaisons have what we call released top ten percent decisions where we manually go into the system and admit those top ten percenters who are automatically admissible, we'll see that reflected in the headcount the next day.**

Q. And does the status of that headcount on any given time change in any way the admissions office evaluates applications going forward?

MS. KNEELAND: Objection; form.

**A. No, not at all. It's purely used to, as we should, manage the enrollment of our class, to watch the results of our process. The only use that I use headcount for -- and I use it on a daily basis and there's a point where we update the system more frequently for a few days as [75] we're rolling decisions very quickly -- I use it simply to get totals, the total for the class so that the liaisons can plug in and see that you've now admitted "X" number of students, total students, Texas resident, non-resident, and foreign because we're counting our -- what we call our 1403 students which are students who are non-citizen Texans per Legislation we have here in Texas.**

**So we update our total admits so that, again, you know how many spaces you have left. So it's a running tally of how many Texans, non-residents, foreign students, and top ten percenters have been admitted. And there's a spreadsheet that I created that counts down, you know, for them so they know you now have "X" number of Texan spaces left and "X" number of non-residents spaces left.**

Q. (By Mr. McCarthy) So let's say for non-resident domestic students -- applicants I should say, at some point during the admissions process, is it ever the case that the admissions office realizes that non-resident domestic students have been accepted at a higher rate than normal thus far?

**A. We're not -- That's not what we're doing at that point. One, at that point in the game we haven't admitted too many non-residents, if at all --**

Q. Okay.

**A. -- because there's no rolling admission of** [76] **non-residents, there's no top ten percent for non-residents unless --**

Q. Okay.

**A. -- Texas high school. And so the purpose of the evaluation and analysis at that point is to see how many students have we admitted and to use that information to know how many spaces we have left.**

Q. Okay. And to know how many spaces that are left not only in the freshman class totally, but also within the individual majors?

**A. We really don't operate from the standpoint of the freshman class.**

Q. Okay.

**A. It's our beginning number and it's where we hope "to end up; but all of our work done -- all of our work that is done is done at the college level or the major level --**

Q. Okay.

*Appendix F*

**A. -- and at the end of the day, you know, at the end of this process all the liaisons have done the work for their college. I've watched those numbers get produced on EASI and I'm plugging it into my own spreadsheet which is where I manage the class and put in the yield rate so that I'm seeing what's going to happen with ultimate yield and at the end of that, if my hours and nights of not sleeping have come together, then what we wanted and what we accomplished [77] should equal by the time the numbers that we've completed admitting class.**

Q. In other words, the admissions office is -- has an end goal in mind for the entire class, but is always working towards the individual school and major --

**A. Right.**

Q. -- just hoping in the end they get to the end number.

**A. Not hoping, I mean, it's well planned and we apply a yield rate and admission metrics to that, but we work from the individual college level and the total of those colleges equals the size of the class for the University.**

Q. I understand that. I'm sorry, I didn't mean to suggest that you were just hoping blindly. I get that it's all very scientific. And the goal for the entire class is broken down --

**A. Exactly.**

Q. -- to make up the individual goals for each individual college and major. Correct?

**A. That's right.**

Q. Okay. So naturally achieving your goal as to individual colleges and majors gets you to your goal of the class at large.

**A. That's right.**

Q. Okay.

[78] MR. McCARTHY: Can we take a break?

THE REPORTER: Off the record, 4:16.

(Recess)

THE REPORTER: On the record, 4:27.

Q. (By Mr. McCarthy) Dr. Ishop, we talked a little bit, I think, about the optional third essay that applicants can submit.

**A. I don't believe we have.**

Q. Oh, we haven't? I'm sorry. Well, let's talk about it then.

**A. Okay.**

Q. This optional third essay, how is that considered in an applicant's file?

**A. It's a special circumstances essay where students can essentially tell us anything they want. I believe it says if you think there's anything else that you think that the admissions office needs to know about, you put it here. That is read as part of the personal achievement score. It's not read as an essay, as a piece of writing, but rather as part of the personal achievement score.**

Q. So that's considered part of the full file review that goes to the personal achievement score.

**A. That's right.**

Q. Okay. Is there any consideration at all with regard to the applicant's race or ethnicity with regard to [79] the third essay?

**A. Again --**

MS. KNEELAND: Objection; form.

**A. Again, contextually. Not in regard to just the essay but, I mean, we know an applicant's race. If they submit the -- that essay, you know, then that's part of the read as well. Contextually, yes, it's part of what's reviewed.**

Q. (By Mr. McCarthy) So if -- so if that gives some -- So if the third essay gives some meaningful context to the applicant's race, it goes into the holistic review.

MS. KNEELAND: Objection; form.

**A. It's all part of the holistic review.**

Q. (By Mr. McCarthy) Okay.

**A. I mean, it's -- The read of the file doesn't begin in a particular place. Essentially the cover sheet is where we start because that's where all the information -- that's where a lot of the file is recorded and then the file is read and the file is read for information. And wherever there's information that helps us put that student in context and kind of examine who they are and what they represent, then that's what's used in determining -- arriving at that score.**

Q. Okay. So the -- the optional third essay could be meaningful as to any of the factors that make up the [80] personal achievement score --

**A. Right.**

Q. -- depending on the context given in the essay.

**A. Depending on the content of the essay. They -- students write on all -- What they think are special circumstances, it's up to them to determine that and some of it is more valuable than others, depending on the rest of the file.**

Q. Okay. Is it ever the case that a student writes about -- writes in the optional third essay something that just has no bearing on their application?

**A. It could be. For instance, a student might write about their legacy and tell us how many -- how much of their family has attended UT Austin and why they want to be here as well and we do not have -- our legacy policy is such that we don't consider legacy. So in that sense, that information is not useful for the read of the file.**

Q. So is it almost the same as if the student just chose not to write the third essay?

**A. It's -- it's never negligible.**

Q. Okay. And it doesn't -- Then it doesn't work against the student, that is?

**A. Right.**

Q. Okay.

**A. The information -- what they're typically doing is** [81] **telling us -- expanding on other parts of the application that we've seen already. In a lot of cases they're representing in essay form what they represented in resume form, that's very common. So in some cases it's just a representation of information we've already seen. But all of the components of the application are kind of read, again, in context of one another, but some documents are supporting documents. High school letters recommendation, counselor letters of recommendation are an example of that. Most often they're supporting things we've already gleaned**

**from the applicant's records. Sometimes they provide additional information and sometimes they don't.**

Q. Okay. Is it always to the student's advantage to submit an optional third essay?

**A. No, not necessarily. Most students don't.**

Q. I guess I should say the opposite. Is it -- is it never to their disadvantage to submit the optional third essay?

MS. KNEELAND: Objection; form.

**A. Is it never to their disadvantage -- a student -- Students are usually submitting materials that they believe will be beneficial in some way. Rarely -- You know, so circumstances in which a student might give us information is such that we can use it to review favorably their file. Rarely does a student give us something that would be -- [82] would not be reviewed favorably. The question that we have when we're reviewing the file is does this -- is this information useful to how we score the applicant -- how we score the applicant and what kind of personal achievement score we give them. We start this process, again, at the top, you know. So you want to be a six, you know, how -- let's see if you're a six and so we start reading. We start reading essays, we start reading full files, and we let the information that the student gives us -- give us drive where we end up with that score.**

Q. (By Mr. McCarthy) Okay. Dr. Bremen is it?

**A. Uh-huh.**

Q. Dr. Bremen talked earlier today, he explained a bit about the training that readers go through.

**A. Uh-huh.**

Q. And now I understand -- And I think you've testified to this, so I'll just ask you about it. Isn't it true that the training is, in part, meant to build consensus among the readers?

**A. Yes.**

Q. Okay. Are there some cases where readers fall out of line, so to speak, and have -- you know, give personal achievement scores that seem to be off?

**A. In -- in the training?**

Q. Yes, in the training.

[83] **A. Yes, that's part -- part of the process. We start -- we start very far apart and the idea is that over the course of the training we come to agreement on flies that represent certain scores.**

Q. Is there ever a scenario where an individual reader is not coming to the consensus?

**A. No.**

Q. Okay. During the actual admissions process, is there ever any review done of the readers?

**A. Yes.**

Q. Okay.

**A. Dr. Lavergne conducts every couple -- every few years a reader reliability survey where we send a set of files through and have everyone read them, unaware, and those files are then compared to see how -- how we rank against each other. We also -- by virtue of the fact that we read in two -- two passes now, meaning that someone is reading the essays and someone else, a senior reader, is reading the full file, that has also allowed senior readers who've also been trained to read essays -- although they're not reading essays for the purposes of scoring essays -- to subtly monitor readers. Because if I have a file that I'm reading, I see the essay score that's been given, I'm reading the full file and so that's also a way that senior readers are able to kind of watch the actions of other** [84] **readers.**

**Last year we also had Dr. Bremen pull a second set of files and we sent those files through and he compared his scoring of those files per our training process to the -- to how they scored the files and indicated to us whether it was one up, one down, where he agreed or disagreed, and we followed up with staff members as necessary then, too.**

Q. Okay. So if there is a reader whose -- if there's a reader whose scores are not consistent with Dr. Bremen's research or -- Actually, let's just say if there's a reader who's scores are not consistent with Dr. Bremen's research, are they required to take more training?

MS. KNEELAND: Objection; form

**A. The result of that was that readers were within one point.**

Q. (By Mr. McCarthy) Okay.

**A. The – if there was ever a question about a reader, then it was a conversation that I had with the reader --**

Q. Okay.

**A. -- and we'd pull the file and just talk about it. Staff members also -- the readers and staff members also, if they have questions about a file, they'll often consult a senior reader, usually me, to get an opinion on the read of** [85] **that file. So there's multiple instances of I'm not sures, what do you thinks, as well as more formalized processes to evaluate where readers are and how they're doing in the process.**

Q. So there is some formal and some informal mechanism for feedback.

**A. Yes.**

Q. Okay. And how often is it that your full file review results in you talking to the first reader about the essay score?

**A. Rarely at that level. And you're saying when the full file reviewer sees the essay scores.**

Q. Uh-huh.

**A. We didn't -- I didn't see much of that at all last year. It was more of readers asking questions. Particularly new readers, new staff members when they first come onboard and it's a new process for them, they often ask a lot of questions.**

Q. And how often does that happen?

**A. Pure speculation. Brand new reader last year might ask a couple of times or if they have a particular file -- even senior readers, when we're reading full files, I might ask one of my associates, you take a look at this and, you know, see what you think about it and we'll talk about it. So we all have -- we've all been trained, but we [86] all -- sometimes we need a second look, you know, to take a look at it.**

Q. Sure, okay. I want to go back briefly to our discussion of cutoff lines earlier.

**A. Okay.**

Q. Did you testify that you sometimes make cutoff line decisions?

**A. Yes, I do.**

Q. Okay. And how do you determine where to draw the line if there's more than one option?

**A. I make a decision based on the drawing of the lines that will get me closest to my target and also represent the stair step or represent both aspects of the admissions process.**

Q. So what if there's an instance -- What do you do where you have two options that both gets you to the same target and both are consistent with the stair step?

**A. I pick one.**

Q. Do you have any guidelines for that?

**A. It's a question of which gets me closest. I mean, you gave me an example of a matrix that is one of the sparsest matrixes we'll ever see. A non-resident for nursing is one of our smallest schools. The matrixes that we're typically working with for Texas residents, which are where our most difficult decisions are made, have upwards of** [87] **hundreds, the Liberal Arts majors has thousands of students within -- within those cells where individual cells might have 20, 30, 40, 200, 400, 500 students in them. And so it's a question, really, of how close can we get. And I can't think of -- in small**

**numbers, like on this matrix, sure, we could probably draw it a couple of ways to get to 14, but what we're typically dealing with are much larger numbers than that and we don't find instances where you can -- you're going to have a different number and it may be off by one or two and that would be perfectly acceptable, but we just make a decision to pick a line and go with it.**

Q. Okay. But let's just say in the instances where you have two choices that are both the same as far as the target is concerned and both the same as far as the stair-step rule is concerned, is there any -- is there any guideline at all or you just pick whichever?

**A. Well, the guideline is always to try to reward the most accomplished student or group of students and where that is, is determined by how many students are in the adjacent cell. So it might be that the most accomplished student on a given matrix might be the cell of six that have sixes on their PAI , but a one-tenth lower achievement index or it might be that the closest adjacent cell that helps us get to our target has a higher AI, but a lower PAI. It depends on what else is sitting out there and we make the** [88] **decision accordingly.**

Q. So -- And I guess is it fair to say that in those situations where you have two choices, both which go to the same target, both which comply with the stair-step rule, that the choice comes down to deciding whether to prefer PAI or AI?

**A. Yes.**

Q. And it just depends --

**A. It depends on how many students are in those cells, how many are there. We pay a great deal of respect to our highest PAIs. Those students are some of the most accomplished students and we give a great deal of respect to them, but we also -- within the level of competition in all of these individual majors, some of them the competition is so intense that we can't fathom letting a 3.9 predicted -- the AI - we also call it predicted GPA -- go in favor of the 2.96. We -- You know, we may take that higher AI because that student is so phenomenal, you know, on an academic basis and we have to pay homage to that, but it really depends on who's sitting there and what the context of the entire cut looks like. It may be that the cut is already skewed academically because of the competition of the class and so maybe we give a little bit more credit for that rare six that's sitting up there or it may be skewed the other direction and so we're able to pick up the** [89] **students who have ones on their PAI, but have the high AI markers. Its really -- it's a balance --**

Q. Okay.

**A. -- kind of -- of all of those things.**

Q. So in other words, there's not a simple guideline that makes those decisions.

**A. No.**

Q. It depends on the composition of the matrix as a whole.

**A. That's right.**

Q. Okay. I need to talk briefly about Topic No. 17.

**A. Okay.**

Q. This is about documents.

**A. Okay.**

Q. I promise I'll make it brief.

**A. All right.**

Q. Once this suit was filed, was there any sort of notification or instructions about preserving documents that was circulated throughout the admissions office?

**A. Yes.**

Q. Okay. Who issued that statement?

**A. The director.**

Q. Who's the director?

**A. Dr. Walker.**

Q. Dr. Walker, okay.

[90] And to whom did they issue it?

**A. To all staff, all admissions staff.**

Q. Okay. Do you have a copy of that notice with you?

**A. No, I don't it was --**

(Reporter interrupts)

**A. -- an e-mail, so it should be in the -- those records.**

Q. (By Mr. McCarthy) Okay. And who was responsible for collecting documents responsive to the plaintiffs' discovery request?

**A. I was.**

Q. Okay. And what files did you review to collect responsive documents?

**A. A litigation hold was placed on all of our electronic documents on our computers and hard drives and so information was taken there, we contacted all staff members to -- that -- well as part of Dr. Walker's request to compile any information they had specific to the admissions process for the freshman class of 2008 and have those documents sent to me and so they were forwarded to me.**

Q. And so this search for responsive documents went through electronic files, hard copy files, e-mail files?

**A. That's right.**

Q. Okay. Do you believe that all documents responsive to the plaintiffs' request have been produced to [91] us at this time?

**A. I believe so.**

Q. Okay.

MR. McCARTHY: Do you have any questions, Mishell?

MS. KNEELAND: I have just a couple.

EXAMINATION

BY MS. KNEELAND:

Q. Dr. Ishop, what was the total number of spaces available for Texas residents in the fall class of 2008, top ten and non-top ten?

**A. Top ten and non-top ten was approximately – about 10,200 or so.**

Q. So 10,200 were available for Texas residents.

**A. That's right --**

Q. And of those spaces, how many were available outside of the top ten percent?

**A. Let me answer a different way because -- for the number that I know. We automatically admit top ten percenters and for a few majors we have an automatic admit for the most high-caliber academic students, we call those A-rated students. Outside of those two figures we had -- I had 881 spaces remaining for non-top ten percent applicant, Texas residents, to award decisions to.**

MS. KNEELAND: That's all I have.

[92] MR. McCARTHY: I have another question.

FURTHER EXAMINATION

BY MR. McCARTHY:

Q. Are there any schools or majors to which HB 588 does not apply?

**A. Yes. School of Architecture and the College of Fine Arts.**

Q. Okay. So how are admissions decisions made for Architecture and Fine Arts?

**A. The dean and faculty of the School of Architecture works in concert with the admissions office, but they essentially make their admission decisions. We still read the files and score the files and they're provided with all that information, but they make the admission decisions. Portfolios and such are also -- are required for Architecture.**

**For Fine Arts, they make the -- the artistic decision and we collaborate on the academic decision. They require auditions and portfolios in Fine Arts and so the students have to pass those auditions and such and we work in concert with them for -- on the academic component on the file to make decisions.**

Q. And who are the individuals responsible for those decisions in those schools?

**A. The liaison for the College of Fine Arts who is an [93] assistant director and the associate director who is liaison for the College of Architecture.**

Q. And do those officials have discretion to disregard the AI and PAI scores when making admissions decisions to those schools?

**A. The school of -- the College of Architecture doesn't use -- they -- they have the matrix, but they make decisions above and beyond the matrix because they have other criteria as does the College of Fine Arts.**

Q. So they're not bound by the --

**A. Right.**

Q. -- matrix.

**A. That's correct.**

Q. Okay, all right.

MR. McCARTHY: You have anything else?

MS. KNEELAND: I have nothing else today.

Q. (By Mr. McCarthy) Okay. Before I let you go, Dr. Ishop, I just want you to think back -- We've been talking for a while now. Are there any answers that you gave me during this time that looking back you'd like to change or alter for any reason?

**A. I think the only one that comes to mind, I think at the very beginning we were talking about the size of the class and the number of admits and I think I used fewer than 13,000. It's probably more accurate to say approximately [94] 12,000. I think I was a little high with that estimation.**

Q. Okay, thank you for that.

**A. That's it.**

Q. And is there anything that you forgot to tell me before that -- anything else that you might have forgotten to tell me before that you just thought of now?

**A. I don't think so, thank you.**

Q. Okay. All right. Well, that should be it. There is a very small chance, it's highly unlikely, that we'll want to talk to you more, but I should be done for now.

**A. Okay.**

Q. Thank you.

**A. Thank you.**

THE REPORTER: Off the record, 4:50.

(Deposition concluded)

**APPENDIX G — EXHIBIT 8 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, DEPOSITION OF BRUCE WALKER, DATED OCTOBER 7, 2008**

[1] UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

No. 1:08-CV-00263-SS

ABIGAIL NOEL FISHER; AND
RACHEL MULTER MICHALEWICZ,

Plaintiffs,

VS.

STATE OF TEXAS; THE UNIVERSITY
OF TEXAS AT AUSTIN; ET AL.,

Defendants.

**RULE 30(b)(6) DEPOSITION OF BRUCE WALKER TUESDAY, OCTOBER 7, 2008**

ORAL DEPOSITION OF BRUCE WALKER, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 7th day of October, 2008 ...

* * *

*Appendix G*

[4] (8:08 a.m.)

TUESDAY, OCTOBER 7, 2008

BRUCE WALKER,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. McCARTHY:

Q Good morning, Dr. Walker.

**A Morning.**

Q As I mentioned a bit ago when we met, my name is Thomas McCarthy and I represent the Plaintiffs in this case.

I want to ask you, are you appearing here today in response to this notice of deposition?

**A Yes.**

Q Okay.

MS. KNEELAND: Sorry. For the record, at this time I would like to note that Defendants -- Defendant The University of Texas at Austin has designated Dr. Walker to testify on topics, in Schedule A of that notice, 4 through 7 and the policy part of No. 17 which relates to the preservation of and search for responsive documents.

Q (By Mr. McCarthy) Dr. Walker, have you ever been deposed before?

**A No, I have not.**

[5] Q Okay. I'll let you know a little bit about how the process works. The attorneys have probably told you a little bit about it. But basically I'm going to ask you a series of questions about your role and responsibilities at the university that are relevant in this lawsuit.

**A Okay.**

Q When I ask you questions, just please answer to the best of your ability. If you don't know, feel free to say you don't know. If my question is unclear, feel free to ask me to restate it. If you have a question that you want to ask your attorney, Ms. Kneeland, you're free to ask her questions. But please, if I have asked you a question, answer the question first and then go ahead and ask Ms. Kneeland a question.

**A Okay.**

Q If you would like to take a break at some point, use the men's room, get a drink of water, anything like that, just let us know. We can certainly take some breaks.

**A Okay.**

Q One other thing, if I ask you a question that's a yes or no answer, please state "yes" or "no" and don't just nod

your head. So that way the court reporter can get it on the transcript. Okay?

**A Yes.**

[6] Q All right. Do you have any questions about that?

**A No.**

Q Okay. Let me ask you a few logistical things before we actually get started in the meat of this deposition.

Have you taken any medications or ingested anything that might affect your ability to participate in this deposition?

**A Not that I know of, no.**

Q Okay. Did you meet with anyone to prepare for this deposition?

**A Yes.**

Q Who did you meet with?

**A My lawyers.**

Q Okay. How many times did you meet with them?

**A I think three.**

Q Okay. Did you review any documents to prepare for this deposition?

**A Have I reviewed any?**

Q Yes.

**A Yes.**

Q Yes?

**A Yes.**

Q Do you remember what documents you reviewed?

**A Well, certainly the Schedule A.**

[7] Q Uh-huh.

**A And then just to refresh my memory on some of the statistics and stuff, yeah.**

Q Okay. So maybe you looked at like the Top Ten reports, that kind of thing?

**A Right.**

Q Okay. Is there anything that you -- are you aware of any documents that you have looked at but have not been produced to us?

**A I'm not aware of any, no.**

Q Okay. All right. Dr. Walker, what is your job title?

**A I'm vice provost and director of admissions.**

Q Okay. And how long have you been in that position?

**A Since 1996.**

Q Did you hold any positions prior to that at the university?

**A No, not at this university.**

Q Did you hold similar positions at other universities?

**A Yes.**

Q What positions?

**A I was at the University of Delaware. I was dean of admissions and financial aid. Then prior to that I was [8] at the University of North Texas as associate director.**

Q Okay. And what's your education?

**A I have an undergraduate degree in theology, a master's degree in student personnel, and a doctorate in higher ed administration.**

Q Okay. Outside of your work experience and education, do you have any other experience that relates to your roles and duties here at the university?

**A Well, I spent eight years working for the college board, which is the folks that sponsor the SAT.**

Q Okay. Are you able to testify fully today as a representative of The University of Texas?

**A Yes.**

Q Okay. Generally stated, what is the university's policy with regard to undergraduate admissions?

MS. KNEELAND: Objection; form.

You can answer. You can answer. I was just making an objection for the record.

THE WITNESS: Oh. I'm sorry. I don't always hear out of that ear, so...

**A You want to know what our process is?**

Q (By Mr. McCarthy) What's the policy? Do you have -- like what is the -- does the admissions office have a general statement policy?

**A Yes. You mean how the admissions work? I'm** [9] **sorry. I'm not --**

Q Yeah.

**A -- understanding your question.**

Q I mean like a mission statement. Is there a particular just general mission statement of the office of admissions?

**A Yes.**

Q And what is the -- what is the office of admissions' mission?

**A Is to recruit and enroll students in attempting to have a very diverse student body and particularly a freshman class.**

Q Okay. And does the university consider itself selective?

**A Yes.**

Q Okay. Does the university consider itself diverse?

**A Yes.**

Q Has the university been recognized for its diversity?

MS. KNEELAND: Objection; form.

**A I don't -- by who? I'm sure I -- I'm sure we have, but...**

MR. McCARTHY: I'm sorry. Could we take a short break?

[10] (Recess from 8:15 a.m. to 8:16 a.m.)

(Exhibit No. 9 marked)

Q (By Mr. McCarthy) Dr. Walker, I'm handing to you what has been marked as Deposition Exhibit 9.

**A Okay.**

Q Do you recognize what that is?

**A It's from our Web site.**

Q Uh-huh. And --

**A I know it's -- go ahead.**

Q Yes. It's from the Web site. And can you look down towards the bottom of the first page and the top of the second page and just read to me what you see there?

MS. KNEELAND: Where? It's --

MR. McCARTHY: I'm sorry. Here. I'll --

MS. KNEELAND: Sorry.

MR. McCARTHY: -- help you out.

MS. KNEELAND: It's a little vague.

MR. McCARTHY: Sorry. Starting at the bottom of the second page.

THE WITNESS: Okay.

**A "The University of Texas at Austin ranks sixth in the nation in producing undergraduate degrees for minority groups, according to the May 31, 2007 edition of Diverse Issues in Higher Education magazine."**

Q (By Mr. McCarthy) Okay. Can you continue a [11] little bit?

**A "In addition to the overall standing, the university ranks tenth nationally among the magazine's Top 100 producers of undergraduates for Hispanics, eighth for Asian-Americans and 59th for American Indians."**

Q And you don't need to read the rest into the record, but could you just take a look at it real quick for me, the rest of that paragraph? And you can tell me generally what the paragraph is highlighting.

MS. KNEELAND: I'm going to object. The document speaks for itself. He doesn't need to summarize it.

MR. McCARTHY: That's fine. Okay.

**A It's about our -- the rankings.**

Q (By Mr. McCarthy) Okay. Now, Dr. Walker, isn't it true that in 1997 the university adopted a system for making admissions decisions based on an Academic Index and a Personal Achievement Index?

**A That is true.**

Q Okay, Do you recall -- I'm sorry. Why did the university adopt that system?

**A Well, there was several reasons. The Fifth Circuit Court had just made the decision in the Hopwood case, and we could no longer use race in our admissions process and we had been doing so for some time. So we [12] were -- but we still were interested in diversity in its full -- full meaning.**

**And so we -- I had just come, and we were recreating or creating a process that could honor diversity and recognize diversity, and so we created a holistic review of applications. We redefined merit to be much more inclusive than it had been before. There had primarily only been test scores and rank prior to that time, and we understand students are more than just a test score and a rank. They bring other characteristics with them to a university, and we wanted to be able to recognize and reward those characteristics as best we could.**

Q Okay. And was that admissions system that -- that was based on the Academic Index and Personal Achievement Index, that was adopted at that time?

**A Yes.**

Q Was that successful in that respect?

MS. KNEELAND: Objection; form.

**A In what respect?**

Q (By Mr. McCarthy) You just explained why the university adopted it.

**A Uh-huh.**

Q Was it successful in reaching those goals?

**A We haven't reached those goals yet, but it has -- [13] it did provide us the opportunity to look holistically at a student as opposed to narrowly at a student. Yes, it did accomplish that.**

Q Okay. And was the system intended to boost minority enrollment?

**A It -- it was hopeful that it could, but that's not the whole reason we did it, no.**

Q Was it a reason?

**A It was part of the reason, I would say.**

Q Okay. And for that reason, for the reason of minority enrollment, has it been successful in promoting minority enrollment?

**A Well, I can't -- I can't answer that. If I did answer it, I would have to say I don't know because we added so**

**many other things to it later. Top Ten Percent, a lot of other things that we did. So we never just stayed with the very first use of this new system.**

Q In your -- are you referring to the fact that HB 588 was implemented the following year?

**A Yes.**

Q Okay.

**A And other things, but...**

Q Sure. Okay. So in 1998 once the university started implementing HB 588, the university continued to use the AI/PIA system. Correct?

[14] **A That's correct. For those that were not automatically admitted.**

Q Okay. And while the university was implementing HB 588 and using the AI/PIA system for those that were not admitted pursuant to HB 588, did the university increase minority enrollment?

**A No. Increase it beyond what?**

Q Did it increase it beyond where it had been prior to that?

**A You're asking if 1988 minority enrollments were higher than 1997 minority enrollments?**

Q No. I'm asking if they ultimately increased minority enrollment above the levels to which it had been prior.

MS. KNEELAND: Objection; form.

**A I'm not sure I understand the question. And I'm sorry, but --**

Q (By Mr. McCarthy) That's okay. That's okay.

**A -- I need clarification.**

MR. McCARTHY: Could we take a short break?

(Recess from 8:23 a.m. to 8:25 a.m.)

(Exhibit No. 10 marked)

Q (By Mr. McCarthy) Dr. Walker, I am handing you what's been marked as Deposition Exhibit No. 10. Can you tell me what that is?

**[15] A It looks like a press release. Looks like it came from our Web site.**

Q Uh-huh. And can you tell me what the title of that is?

**A The title is "Enrollment of first-time freshman minority students now higher than before Hopwood court decision."**

Q Okay. And can you see in that university press release where the minority enrollment levels prior to the Hopwood case were identified?

**A Yes, the first paragraph.**

Q Okay. And then what does it say those were?

**A It says, "Diversity efforts at The University of Texas at Austin have brought a higher number of freshman minority students -- African-American, Hispanics and Asian-Americans -- to the campus than were enrolled in 1996, the year a court ruling ended the use of affirmative action in the university's enrollment process."**

Q Okay. And does that press release actually say what the percentages of African-American and Hispanic enrollment were prior to the Hopwood case?

I think if you're having trouble finding it, if you look at the second page.

**A Okay.**

Q If you look at -- there's a chart there.

[16] **A Uh-huh.**

Q That's data provided by The University of Texas at Austin Office of Institutional Research, and it shows the enrollment rates for freshmen in 1996.

**A Yes.**

Q Can you tell me what those were?

**A 1996, African-American, 4.1 percent. You want the percent?**

Q Yes, please.

**A 1996, Hispanic, 14.5 percent. Asian-American, 1996, 14.7 percent.**

Q Okay. And now can I refer you to what's previously been marked as Deposition Exhibit No. 1?

MS. KNEELAND: You can refer him to it, but I think you'll have to hand it to him.

MR. McCARTHY: Yeah, I'll hand it to him.

MS. KNEELAND: Okay.

MR. McCARTHY: I just want to make sure I identify -- let him know what I want him to look at.

Q (By Mr. McCarthy) That's Deposition Exhibit No. 1. Are you familiar with what that document is?

**A Yes.**

Q Okay. Can you tell me what that document is?

**A It is a report from our admissions Web site called Implementation and Results of the Texas Automatic** [17] **Admissions Law -- that's House Bill 588 -- at The University of Texas-Austin. It's a demographic analysis of entering freshmen of fall of 2007.**

Q And can you turn to Page 6 of that document?

**A Yes.**

Q Towards the bottom of Page 6 there is a chart that identifies enrollment rates for incoming freshman class.

**A Okay.**

Q Can you tell me for the year 2005 -- I'm sorry. For the year 2004. Can you tell me for the year 2004 what the enrollment rates were for African-Americans, Hispanic and Asian-American students?

**A For '04?**

Q Yes, '04.

**A For African-American, 5 percent. For -- you said for Hispanic?**

Q Uh-huh.

**A Hispanic was 17 percent.**

Q And could you tell me the Asian-American --

**A Oh, I'm sorry.**

Q -- also?

**A Asian-American was 18 percent.**

Q Okay. And all of those are higher than the minority enrollment rates for the incoming freshman class [18] in 1996, the year prior to Hopwood. Is that correct?

**A That is correct.**

Q Okay. In 2005 the university began considering race as a factor in undergraduate admissions. Correct?

**A That's correct.**

Q Was the university's decision to do that in part a response to the Grutter case?

**A In part.**

Q Okay. And what was the other reasoning behind it?

**A Well, we felt like we had not -- we had not yet attained critical mass for the benefits of -- the educational benefits that diversity would bring.**

Q What exactly is critical mass for the university?

**A Well, I think for our -- our purposes it's an adequate representation of minority students so that**

**the benefits that can -- educational benefits that can be derived from diversity can actually happen.**

Q Okay. And has the university identified a numerical level of minority enrollment --

**A No.**

Q -- to which -- no. So the university has not defined what critical mass is as a number?

**A No.**

Q Okay. How will the university know when it has [19] reached critical mass?

**A Well, I think when we see the educational benefits happening and have happened, then we would know.**

Q So is the university currently not providing full benefits of a diverse education to its students?

**A Well, I -- we're providing the education and we're attempting to provide the full benefits of a diverse -- diversity education. We just haven't attained that critical mass yet.**

Q Has the university made any sort of projection as to when they will attain critical mass?

**A No.**

*Appendix G*

Q Does the university have any means of measuring their progress towards critical mass?

**A Yes.**

Q And how is that?

**A Well, there's one -- though diversity is spread across the university in all the things that we do, there is one window that we can actually -- through which we can actually look to see how we're doing. And the classroom is one of those -- is that window where we can look to see how we're doing. So that's one way to measure.**

Q And what does that window of the classroom tell the university about its progress towards critical mass?

**A That we haven't attained it yet.**

[20] Q What is it about that window of the classroom that tells the university that it has not attained critical mass yet?

**A Well, we have far too many classrooms where there's still no or only one minority student.**

Q And how many classrooms as a percentage or a whole number does the university have where there are only one or no minority student?

**A Well, we did a study and we -- depends on the size of the classroom. But let's say a classroom that has five**

**or more students in it, more than half of the class had only one or no African-American students in them. And about the same, but slightly less percent had only one or no Hispanic students in them. And then we have a little bit higher representation of Asians.**

Q What -- I think you said that for classrooms -- and please tell me if I'm wrong in restating what you just told me. I want to make sure I have this right.

I believe you said that for classrooms of -- that have five or more students in them that 50 percent of the classrooms have only one or no African-American student?

**A That's an approximate.**

Q Approximate?

**A Yes.**

[21] Q Okay. Does the university have a goal in mind in terms of what percent that should be?

**A No.**

Q No. How will the university know it's reached critical mass if it doesn't have a goal?

**A Well, the students will let us know. We talk to them all the time about how they feel about their experience at the university, how they feel in the classroom. We still have students who tell us they feel isolated in the classroom, that they are the only, or the**

**majority of students tell us that there is no diversity in the classroom. So we talk to the students on a regular basis, and this is what they tell us.**

Q Are these -- do these classrooms that tend to lack racial diversity as you have described tend to fall into certain schools or majors within the university?

MS. KNEELAND: Objection; form.

**A Not that I'm aware of, no. It's across all of the university classes.**

Q (By Mr. McCarthy) What is the university doing to try to remedy these numbers that are deficient?

MS. KNEELAND: Objection; form.

**A We're trying to recruit a diverse freshman class.**

Q (By Mr. McCarthy) In terms of minority enrollment?

[22] **A Well, in terms of every means of diversity that's possible, including minorities, yes.**

Q I think right now -- but right now you're sort of talking about minority enrollment, though. Is that correct?

**A That's correct.**

Q So in this respect, to remedy the -- the low numbers of minority students in those classrooms, the university is seeking to increase minority enrollment?

**A That's correct.**

Q Okay. And how is the university seeking to increase minority enrollment?

**A Well, there's a lot of ways that we do that. We try to increase the number of minorities in our -- representation of minorities in our applicant pool, in our prospect pool, and the number of students who get admitted, and then the number of students who enroll. So that's our -- that's our plan, is to increase diversity of our applicant pool.**

Q Is the university's use of race as a factor an admissions decision?

**A As a factor?**

Q Yes.

**A Yes.**

Q Is the university's use of race as a factor in [23] admission decisions increasing minority enrollment at the university?

**A I think so.**

Q Is the university making any attempt to measure the effect of the use of race an admissions decision?

**A Well, we measure every freshman class by just looking at the -- whether we have improved over the year before.**

Q Is it accurate to say that the university is generally increasing its minority enrollment?

**A In general, yes.**

Q And I believe that you stated that the university takes lots of different measures in order to increase minority enrollment. Is that correct?

**A Yes.**

Q Okay. Does the university have any way of determining how much of that increased minority enrollment is due to any particular measure that the university has implemented?

**A Not -- not really. It's -- because college admissions and the decisions that 18-year-olds make is a very complex and complicated thing, and I don't think you ever know or you can never account for all the reasons why students make the decisions they make. We -- we put out a lot of effort. We do a lot of things to promote the [24] university to the citizens of Texas, but we can never know all the reasons students might have for attending the university.**

Q So is it your testimony that it's unclear whether the university's use of race in admissions decisions is increasing minority enrollment?

MS. KNEELAND: Objection; form.

**A Would you state that in a different way?**

Q (By Mr. McCarthy) Sure. Sure.

**A I'm not sure.**

Q Sorry I wasn't clear.

**A Yes.**

Q Is the university's use of race in admissions decisions increasing minority enrollment?

**A It appears to be, yes.**

Q Is it doing so in a measurable amount?

**A Well, measurable to me, yes.**

Q Can you explain how it's measurable to you?

**A Well, a higher representation, higher percentage, higher numbers.**

Q And those higher numbers, again, they're the product of many different initiatives that the university has undertaken. Correct?

**A Right. That's correct.**

Q And how much of that is attributable to the use [25] of race?

**A I don't -- I don't think I can give an exact answer to that because it's -- it's hard to separate that from everything else.**

Q Okay. Can you look back again at Deposition Exhibit No. 1? That's that HB 588 report.

**A Uh-huh.**

Q And turn to Page 6 again. And, again, I would like you to look at the bottom, which is a chart --

**A Okay.**

Q -- that shows enrollment levels for the incoming freshman classes.

**A Uh-huh.**

Q And 2005 was the year that the university introduced race as a factor in admissions decisions. Correct?

**A That's correct.**

Q Okay. Could you tell me what the enrollment -- what the percentage enrollment was of African-American students in 2005?

**A What percent?**

Q Yes.

**A Five.**

Q Five. And could you tell me what it was for Hispanic students?

[26] **A Eighteen.**

Q And could you tell me what it was for Asian-American students?

**A Seventeen.**

Q And all those numbers are 2005 numbers. Correct?

**A That's correct.**

Q Were those numbers any different than the same numbers for the year of 2004?

**A Why don't I just read you the numbers from 2004.**

Q Sure, that's fine.

**A 2004 was 5 percent for African American, 18 percent for Asian-American, and 17 percent for Hispanic.**

Q Okay. Dr. Walker, how much has minority enrollment increased at the university since the university began using race as a factor in admissions decisions in 2005?

**A Shall I read from your chart or are you just --**

Q If you don't know the answer, that's fine, you can check from the chart, I guess, and compare 2004 to the most recent data.

**A Yes. It has increased by a few percentage points.**

Q Okay. And that increase -- and of that increase you don't know how much is attributable to the use of race as a factor in admissions decisions. Is that correct?

[27] **A Well, the use of race in -- beginning in 2005 is the only thing that changed in 2005. It would be reasonable to think that it had -- it had an effect.**

Q Okay. And are the university's -- I'm sorry. You mentioned that the university takes -- undertakes a number of initiatives to increase minority enrollment. Correct?

**A That's correct.**

Q What are some of those other initiatives?

**A Other than?**

Q Other than the use of race in -- as a factor in admissions decisions.

**A Well, we have done a lot of things. It's a very broad attempt to create a diverse university. It would start with the changes we made in 1996 prior to the class**

**entering in 1997. We moved to a different definition of merit, a very much broader definition of merit that included students' leadership roles, their participation in extracurricular activities, their work experience, their service in the community, their -- any special circumstances in their family, their socioeconomic standing, the -- whether or not they lived in a single-family home, whether English was, you know, spoken at home, a language other than English was spoken at home. So we -- we changed that part of our admissions process.**

**[28] We also created a more I will call it user-friendly process for students. We created a large -- we call it a customer service unit. It's a very large telephone process, telephone bank, so we could be sure and answer all of our calls. So that improved services to students so they could reach us, so that they can complete their application materials. We created a communication group so that we could be sure that our communications to students in the applicant pool was clear, that they understood what they needed to do and what the deadlines were for getting that done.**

**We put more people out in the field. We opened -- to visit high schools, to increase the diversity of our applicant pool. We opened admissions centers in Houston, Dallas, San Antonio, and this last year in The Valley so that we could put our professionals closer to where the students lived, so we could talk to the families, so they could feel that they had a local contact.**

*Appendix G*

**We completely redid our Web site to make it easy to read, easy to understand, easy to use. There's a transactional part of it you may or may not have seen. I doubt you have because you have to have an EID to get into it. But we improved tremendously the transactional part of our Web product so it would be easier for students to [29] apply, to submit the documents they need to submit and to track their application, to know whether they have submitted everything, to look at what they have submitted.**

**So we invested a lot of money, time, effort into improving our processes for applicants, to improve our contact with students so that we could enhance our applicant pool and then our admitted student pool. Those are some of the things that we have done.**

Q In addition to those, I believe that Mr. Michael Orr told us yesterday about several scholarship programs that the university runs?

**A That's correct.**

Q The university runs a Presidential Achievement Scholarship program. Correct?

**A That's correct.**

Q And a First Generation Scholarship program. Correct?

**A That's correct.**

Q And also a Longhorn Opportunity Scholarship?

**A That's correct.**

Q And those scholarship programs have -- those scholarship programs have helped increase minority enrollment. Correct?

**A Yes. I would say yes.**

Q Okay. I want you to look at Deposition Exhibit [30] No. 1 again, Dr. Walker.

**A Okay.**

Q In the middle of Page 2 there's a list of factors and special circumstances that are -- make up part of the personal achievement score and a Personal Achievement Index.

**A That's correct.**

Q This is part of the admissions process. Correct?

**A Correct.**

Q Okay. Could you read me that list of factors and special circumstances?

**A "Scores on two essays, leadership, extracurricular activities, awards/honors, work experience, service to school or community, special circumstances such as**

**socioeconomic status of the family, single-parent home, language spoken at home, family responsibilities, socioeconomic status of the school attended, average SAT/ACT of school attended in relation to the student's own SAT/ACT, race (addition approved by the UT Board of Regents in 2003)."**

Q Okay. So prior to the addition of race that -- I'm sorry. Let me start that again.

So prior to the 2005 admissions year, all of those factors and special circumstances were considered except for race. Correct?

[31] **A That is correct.**

Q Okay. Why did the university adopt those factors and special circumstances?

**A Within special circumstances?**

Q Why did the university adopt those factors and special circumstances?

**A Oh, and special circumstances. In order to expand the definition of merit, what it means to be a meritorious student.**

Q Okay. And was this all part of the university's goal of increasing diversity?

**A Yes.**

Q Yes. Okay. And I believe that you said that there are many kinds of diversity that the university seeks. Correct?

**A That is correct.**

Q When the university added the factor of race to that list, what kind of diversity was the university seeking to promote?

**A By the addition of race?**

Q Uh-huh.

**A Racial diversity.**

Q Okay. When the admissions office reviews applicant files, it considers all of these factors and special circumstances. Correct?

[32] **A That is correct.**

Q And those -- those factors and special circumstances are not assigned numerical values. Correct?

**A That is correct.**

Q So is it accurate to say that they are subjective?

**A Yes.**

Q The university employs many people in its admissions office. Correct?

**A Say that again?**

Q The university employs many people in its admissions office. Correct?

**A That's correct.**

Q And there are several people that review applicant files. Correct?

**A That's correct.**

Q Is it possible that these several people could consider differently those subjective factors?

**A I suppose anything is possible, but that's not the way we trained them.**

Q Okay. Dr. Walker, I'm going to show you what's been marked previously as Deposition Exhibit No. 7.

**A Okay.**

Q Do you understand what that document is?

**A Yes.**

[33] Q Okay. Is that one of the matrices that's used to determine which students are admitted to a particular major?

**A That is correct.**

Q Okay. And there's a cutoff line drawn that separates the students that are admitted from those that are not admitted. Correct?

**A That's correct.**

Q Is it accurate to say that a difference of one-tenth of an AI point can be determinative to whether a student is admitted or not admitted?

MS. KNEELAND: Objection; form.

**A One-tenth of an AI point?**

Q (By Mr. McCarthy) Yes, the Academic Index point.

**A Uh-huh.**

Q Is it accurate to state that one-tenth of an AI point can be determinative as to whether a student can be admitted or not admitted?

**A Yes.**

MS. KNEELAND: Same objection.

Q (By Mr. McCarthy) Okay. Could a difference of one PAI point be determinative as to whether a student is admitted or not admitted?

MS. KNEELAND: Objection; form.

**A Yes.**

[34] Q (By Mr. McCarthy) Okay.

MR. McCARTHY: Could we take a short break?

(Recess from 8:57 a.m. to 9:11 a.m.)

Q (By Mr. McCarthy) Dr. Walker, you testified that the use of race as a factor in admissions helps increase minority enrollment. Correct?

**A That's correct.**

Q Does the use of race as a factor in admissions help increase the enrollment level of African-Americans?

**A I believe so, yes.**

Q Does it help increase the enrollment of Hispanic students?

**A I believe so, yes.**

Q Okay. Now, because the use of race as a factor in admissions is increasing levels of enrollment of certain racial groups, it's necessarily decreasing the enrollment of other racial groups. Correct?

**A No, not necessarily.**

Q Well, it is sort of a zero-sum game, isn't it? There's only 100 percent. Right?

**A Right, but our -- the size of our freshman class varies from year to year.**

Q I understand that. But as percentage levels, if some are going up, other ones must be going down. Correct?

[35] **A Correct.**

Q So what effect is the use of race in admissions decisions having on the enrollment of Asian-Americans?

**A Well, I can't say there's a direct correlation, so I won't.**

Q Okay. And what is -- what effect is the use of race in admissions decisions having on the level of enrollment of Caucasian students?

**A Again, I'm -- I'm not sure there's a direct-and-only effect.**

Q Okay. The use of race as a factor in admissions decisions is increasing the enrollment rates of African-Americans and Hispanic Americans.

**A It appears --**

Q Correct?

**A It appears to be, yes.**

Q Okay. So then isn't it true that it's necessarily reducing the enrollment rates of the remainder of the student population?

**A Again, I don't -- I can't be sure it's a direct and not affected by other things.**

Q Well, except that if the use of race is increasing the one, if it is increasing the levels of enrollment of Hispanic and African-American students, then a necessary -- a necessary result is that it's reducing [36] the levels of enrollment of the remainder of the student body. Correct?

**A Well, since we use race -- we don't -- since race can apply to anyone, black, Hispanic, Asian, white, in our process it's hard for me to isolate that one has been the cause of the other.**

Q Okay. So is it the case that the use of race in admissions decisions can benefit nonminority students?

MS. KNEELAND: Objection --

**A Yes.**

MS. KNEELAND: -- form.

Q (By Mr. McCarthy) Okay. Can you explain how the use of race can benefit a nonminority student?

**A Yes. Our -- in our holistic process, race is one of the factors that we use, and it's possible that -- and it doesn't matter what the race is of the student. When you're reading the file, the reader is asking themselves is that a -- what's the context in which we see all these things from the student. And race could be part of that context.**

Q Can you give me an example of how the consideration of race can benefit a nonminority student?

**A Oh, sure. In Texas we -- I don't like to say segregated schools, so what I say is racially identifiable schools. So if you're in a racially identifiable school [37] and that race happens to be African-American, and you're a white student, because you live in that area, and you turn out to be president of the senior class, then that's unusual given that you're white. And it suggests an unusual cultural connection that you just don't normally see between African-American and white families.**

**So in that case, being white is -- is -- puts everything else in context and would be important to our score for that student.**

Q Okay. So that's -- that is a manner in which the consideration of race could benefit a white student?

**A That's correct.**

Q Okay. Are there other ways in which the consideration of race might benefit a nonminority student?

**A I'm sure there are. Let me see if I can conjure up another --**

Q Well, you can think about it.

**A -- another example.**

Q If you think of another example, you can tell me later.

**A Okay.**

MS. KNEELAND: And I want to be clear. You're asking him to tell you hypothetical student situations or --

MR. McCARTHY: Yes.

[38] MS. KNEELAND: I'm not really clear what you're asking.

MR. McCARTHY: I'm trying to ask where -- I'm trying to ask how the consideration of race can benefit a nonminority applicant.

MS. KNEELAND: Right. And I just want to be clear. You're asking him that sort of hypothetically in the absence of a file?

MR. McCARTHY: Yes.

MS. KNEELAND: Okay.

MR. McCARTHY: Yes. There's no file in front of us right now. Just hypothetically I just wanted an example of how it could work.

Q (By Mr. McCarthy) Dr. Walker, so you just explained how the consideration of race in admissions decisions can benefit a nonminority student. Correct?

**A Correct.**

Q Okay. Approximately how many nonminority applicants are benefited in that manner?

MS. KNEELAND: Objection; form.

**A Well, I -- I have no way of knowing that because you would -- you would have to -- you would have to have an exact application of a number that lifted the student based on race and we don't do that, so I wouldn't have any way of knowing that.**

[39] Q (By Mr. McCarthy) The university doesn't keep any statistics on how many students are affected by the consideration of race in admissions decisions?

**A No.**

Q So then the university does not know how many minority students are affected in a positive manner by the consideration of race in admissions decisions?

**A No.**

Q Dr. Ishop testified yesterday that applicants being reviewed for the summer class are reviewed in isolation, individually so to speak. That's correct. Right?

**A That is correct.**

Q Okay. But students that are being reviewed for the fall class are compared against each other. Is that correct?

**A Yes. Yes.**

Q I can help you.

**A Yes.**

Q Yes?

**A Yes.**

Q For example, on the matrix that we looked at, I believe, that's in Deposition Exhibit No. 7 --

**A Yes.**

Q -- there's a number of students represented by [40] the cells in that matrix, and those students are being compared against each other. Correct?

**A That's correct.**

Q And that's on the basis of their --

**A Well --**

Q -- AI score. Go ahead. I'm sorry.

**A Right. This is a representation. This -- to me, it looks like a work document from a -- from a process -- either very early in the process or very late in the process. But it is a representation of how lines are drawn and things like that, yes.**

Q Okay. And so -- I'm sorry.

MS. KNEELAND: I was going to say I'll interpose that Dr. Ishop testified that this is a matrix for non-Texas students, not for Texas students. It's not really representational of the process. With that objection, you can use it. I just wanted to make that clear.

MR. McCARTHY: Okay. I can grab one that's for Texas students. That's probably better.

Can we take a short break?

(Recess from 9:20 a.m. to 9:21 a.m.)

(Exhibit No. 11 marked)

Q (By Mr. McCarthy) Dr. Walker, I'm handing you what has been marked as Deposition Exhibit No. 11.

[41] **A Okay.**

Q And can you tell me -- can you describe what that document is?

**A Again, it looks like a work document that is being used to estimate any certain point in time where we might draw the line for admission purposes, yes.**

Q Okay. That was a document that was produced to us. There's a Bates number down in the bottom right corner. Could you tell me what that is?

**A D-852.**

Q D-852. Okay. And that is -- that was produced to us as an actual matrix that was used at some point in an admissions process?

**A Uh-huh. Uh-huh.**

Q Okay. And can you tell me what's indicated in the handwriting on the top left?

**A Texas.**

Q Yes. And so is that a matrix of Texas students?

**A It is.**

Q Okay. All right. So -- so those students that are represented in the cells in that matrix are being compared against one another. Correct?

**A Have already been compared against --**

Q Yes. I'm sorry.

**A -- one another, yes.**

[42] Q So those students that are represented in the cells in that matrix were compared against each other in the admissions process. Correct?

**A In all of these, yes.**

Q And the cutoff line determines -- the cutoff line determines which students are admitted and which students are not. Correct?

MS. KNEELAND: Objection. I don't know if you can tell that from this document.

**A It --**

Q (By Mr. McCarthy) Well, the cutoff line tells which students are admitted based on that particular read and which students are not admitted based on that particular read. Correct?

**A I have no idea whether these students were actually admitted -- were admitted or not. This, again, appears to be a work document where we are trying to model or anticipate where a line might be.**

Q Okay.

**A We may have moved that line --**

Q Okay.

**A -- in final.**

Q Okay. That's fine. You testified earlier that in the -- in the review for fall admission students are -- I'm sorry.

[43] In the review for fall admission, applicants are compared against one another. Correct?

**A That is correct.**

Q Okay. And some of those applicants are benefited by the consideration of race in admissions decisions. Is that correct?

**A That is correct.**

Q So if some of those applicants are benefited by the use of race, isn't it necessarily the case that the students who were not benefited by the use of race are, in fact, negatively impacted?

MS. KNEELAND: Objection; form.

**A Well, since we -- since we don't specify that you give extra weight for if they're African-American or extra weight if they're Hispanic, we use every student's race, doesn't matter what it is. So it could be that there's students there that were advantaged by it and students that just didn't have a score on that particular aspect.**

Q (By Mr. McCarthy) I understand that, and that's what I'm getting towards. So there are some students that benefit from the use of race and there's some students that receive no benefit from the use of race?

**A That's correct.**

Q Okay. So since these students are being compared against one another, isn't it necessarily the case that [44] the students who receive no benefit from the use of race are

actually negatively impacted by the use -- by the benefit of race to the other students?

MS. KNEELAND: Objection; form.

**A Well, to me the benefit of being in the applicant pool is whether you get admitted or not. I mean, that's the whole goal of this. And we look at all kinds of diversity, race being one of them. It could be that the student who you just described was benefited by a whole lot of other things and got admitted. So in that case I see no -- no way in which they got harmed by our use of race.**

Q (By Mr. McCarthy) Admission -- admission to The University of Texas is very competitive, isn't it?

**A It is.**

Q So -- so isn't it the case that admissions decisions -- so isn't it the case that there's very close competition for slots in the incoming freshman class at --

**A Yes.**

Q -- The University of Texas?

And all of these many factors, as you said, some of them may benefit some student and some of them might not benefit a student.

**A That's --**

Q Correct?

[45] **A -- correct.**

Q So isn't it the case that any one particular factor might be dispositive as to a given student?

MS. KNEELAND: Objection; form.

**A Well, let me put it this way: N one factor can get a student admitted, and I think we nake that clear in our instructions to the student, and no one factor will get a student denied. It's a holistic approach. Everything counts. Race counts, everything else counts. So it would be impossible for me to tell you which one of those students got admitted based on which characteristic. It was the whole of the student. So I can't make those kinds of comparisons.**

Q (By Mr. McCarthy) I understand that you cannot identify a particular student that got in for a particular reason. But each one of these factors that's considered is meaningful. Correct?

**A That is correct.**

Q And they each contribute in some manner to the applicant's personal achievement score. Correct?

**A If they have that characteristic, yes.**

Q Yes. So if a student has a characteristic that's identified as one of the factors that makes up the personal

achievement score, then they are benefited by that factor in terms of their overall personal achievement [46] score. Correct?

**A Right.**

Q So isn't it the case that -- isn't it the case that an applicant who is admitted at the margin -- I'm sorry. Let me start that question again.

Isn't it the case that an applicant who just makes it over that cutoff line and is admitted to The University of Texas might have not been admitted in the absence of one of those factors?

**A Well, you're asking me to --**

MS. KNEELAND: Objection to form. I'm sorry.

**A You're asking me a hypothetical question I'm not able to answer. Our process just doesn't work that way. I could not possibly go back and identify for you what one thing got a student admitted. That's not the way our process works.**

Q (By Mr. McCarthy) I understand that you couldn't identify the particular thing. However, how many -- how many factors are there in that -- I'm sorry. Let me give you back -- I think it's this one. Here we go.

This is Deposition Exhibit No. 1, and that's Page 2, the Personal Achievement Index.

**A Uh-huh.**

Q Those factors there. So each one of those -- [47] each one of those factors may contribute to an applicant's Personal Achievement Index. Correct?

**A That is correct.**

Q And none of those factors is assigned a particular value. Correct?

**A That is correct.**

Q So a student that is admitted -- I'm sorry. The personal achievement score that a student obtains is a function of how the -- how their characteristics meet those factors. Correct?

MS. KNEELAND: Objection; form.

**A I'm not sure I can answer that question. I think I'm going to have to ask you to clarify for me.**

Q (By Mr. McCarthy) Okay. For any particular factor on that list, if an applicant's file exhibits the factor -- if -- for any -- if an applicant's file exhibits a given factor on that list, then that applicant receives some benefit from that factor that contributes to their personal achievement score. Correct?

MS. KNEELAND: Objection; form.

**A Yes.**

Q (By Mr. McCarthy) And the absence of one of those factors in an applicant's file means that that applicant receives no benefit from that factor. Correct?

**A That is correct.**

[48] MS. KNEELAND: Same objection, please.

Q (By Mr. McCarthy) So isn't it necessarily the case that the presence or absence of any one of those factors in an applicant's file could make a difference to their personal achievement score?

MS. KNEELAND: Objection; form.

**A Well, that's a hypothetical question, and I -- since none of our decisions hang on any one of these, I can't answer that question.**

Q (By Mr. McCarthy) I'm not asking you to identify any particular factor, to say which factor means more or less or which is dispositive or not. But the presence or absence of each factor makes a difference as to an applicant's personal achievement score. Correct?

**A That is correct.**

Q Which means that the presence or absence of those factors helps determine where a student lands on a matrix. Correct?

**A All of the factors, yes.**

Q Uh-huh. Each one contributes to where the student ends up on that matrix. Correct?

**A That is correct.**

Q So the presence or absence of any one of those factors contributes to where a student ends up on the matrix. Correct?

[49] MS. KNEELAND: Objection; form. And I'll just make this easy. I'm going to have a standing objection to everything where it says presence or absence.

And you can answer.

**A Well, if you look at things such as socioeconomic status, everybody's got one.**

Q (By Mr. McCarthy) Uh-huh.

**A Okay? But it -- and it goes from low to high. If you look at leadership, everybody could have leadership but some less than others.**

Q Uh-huh.

**A So I -- there's no way that I could look at any one student's file and tell you that the absence of something or the presence of something specific --**

Q Uh-huh.

**A -- was determinative in any way on that student's getting into the university or even their Personal Achievement Index. That's just not the way we do admissions.**

Q Okay. Well, let's look at -- I understand that you cannot look at a file and identify which factor made the difference. That's what you're testifying. Correct?

**A That is correct.**

Q Okay. Let's talk about the factor of leadership.

**A Okay.**

[50] Q If a student exhibits leadership qualities in their file, for example, they were president of the honor society and captain of the volleyball team and lead some community organization, that student might well receive some benefit from the factor of leadership in their personal achievement score. Correct?

**A That's correct.**

Q Whereas a student who exhibited no leadership qualities in any respect on their application file might not receive any benefit from the factor of leadership in their personal achievement score. Correct?

**A That's correct.**

Q In other words, that factor of leadership helps determine an applicant's personal achievement score. Correct?

**A It's part of the whole of the -- of the --**

Q Yes. In conjunction with the other factors. So that factor of leadership in conjunction with other factors contributes to the applicant's personal achievement score. Correct?

**A That is correct.**

Q So that factor of leadership in conjunction with the other factors helps determine where that applicant falls on the matrix. Correct?

**A Along with all the other stuff in the file.**

[51] Q Uh-huh.

**A Yes.**

Q And so that factor of leadership in conjunction with the other factors and everything in the file determines whether or not that student is admitted to The University of Texas. Correct?

**A No.**

Q No?

**A No.**

Q Can you explain why not?

**A Well, I think -- I thought I did, but let me try to be clearer. One student could have a leadership -- have leadership and another not and end up with exactly the same Personal Achievement Index score.**

Q I understand that.

**A And you're asking me to tell you how they got there and I can't.**

Q Well, I'm trying to make this clear that I'm saying in conjunction with the other factors, so --

**A Yeah, but you're trying to make one of them determinative and it isn't.**

Q I understand that it's not always determinative, but one factor could be determinative for some applicant. Isn't that the case?

**A No.**

[52] MS. KNEELAND: Objection; form.

Q (By Mr. McCarthy) No?

**A I can't say it is because couldn't identify it. It's everything. That's the idea of holistic. You look at everything in the file.**

Q So --

**A And you're comparing every student with every other student on everything in the file, not one thing in the file.**

Q So is it the case that the factor of leadership doesn't make a difference to an applicant's personal achievement scores?

**A No, I didn't say that. I think we determined that it would, but it will not be the only thing.**

Q Okay.

**A And it's possible to get to the same score without even having leadership.**

Q So the factor of leadership can make a difference?

**A It could.**

Q Okay. And the factor of socioeconomic status could make a difference?

**A It could.**

Q And the factor of single-parent family could make a difference?

[53] **A It could.**

Q And the factor of race could make a difference?

**A It could.**

Q Okay.

MR. McCARTHY: Could we take a short break?

(Recess from 9:40 a.m. to 10:02 a.m.)

Q (By Mr. McCarthy) Dr. Walker, I would like to look at -- I would like you to look at Deposition Exhibit No. 1 again.

**A Okay.**

Q And that's the HB 588 report. Could you turn to Page 6?

**A Okay.**

Q And, again, at the bottom of this page there is a chart that highlights enrollment rates. Correct?

**A That is correct.**

Q Okay.

**A What did you say?**

Q There's a chart that reflects enrollment rates. Correct?

**A Enrollment rates has a specific meaning to me --**

Q Oh, okay.

**A -- so --**

Q I'm sorry.

**A So --**

[54] Q I don't want to use jargon that's incorrect here. But the chart at the bottom of the page displays percentages of enrollments of various races over the last several years. Correct?

**A That's correct.**

Q And earlier you testified that minority enrollment rates went up from 2004 to 2005. Correct?

**A Well, I think what I testified is that the proportion of African-American students in our freshman class or Hispanics in our freshman class went up, yes.**

Q Okay. And you said -- and you testified earlier that the only thing that changed in the 2005 admission year was the addition of race as a factor in admissions decisions. Correct?

**A That is correct.**

Q What happened to the percentage of white students enrolled in the freshman class from 2004 to 2005?

**A In 2004 the percentage was 57 percent. In 2005 the percentage was 56 percent.**

Q And similarly, what happened with the percentage enrollment of Asian-American students in the incoming freshman class from 2004 to 2005?

**A In 2004 the Asian-American percentage was 18 percent, and in 2005 the Asian-American percentage was 17 percent.**

[55] Q Okay. Dr. Walker, are you familiar with the Grutter case?

**A Yes.**

Q Okay. And are you familiar with the admissions system that the University of Michigan Law School employed in that case?

MS. KNEELAND: Objection; form.

**A Well, I'm familiar with what I can read about it.**

Q (By Mr. McCarthy) Okay. Isn't it true that in this case the university has characterized its program as -- I'm sorry.

Isn't it true that in this case the university has characterized its admissions program as precisely the type of system expressly upheld in Grutter?

**A I don't know that we used precisely, but yes. If you don't use precisely, I'll stipulate to that, yeah.**

**(Exhibit No. 12 marked)**

Q (By Mr. McCarthy) Dr. Walker, I'm handing you what has been marked as Deposition Exhibit No. 12.

**A Okay.**

MR. McCARTHY: Can I take a break?

(Recess from 10:06 a.m. to 10:08 a.m.)

Q (By Mr. McCarthy) Dr. Walker, I'm handing you what has been marked as Deposition Exhibit No. 12.

**A Okay.**

[56] Q Do you know what that document is?

**A It looks like it's a legal document. It's the "Opposition to the Motion for Preliminary Injunction."**

Q Uh-huh. That's a copy of the brief filed on behalf of the university --

**A Okay.**

Q -- by the Attorney General's Office.

**A Okay.**

Q Can you turn to Page 16 of that brief?

**A Okay.**

Q And if you look at the text, the body of the brief, if you look up about four lines from the bottom, can you read how it describes -- can you read how the Attorney General describes the program?

**A That sentence says, "That is unsurprising because UT Austin's admissions program is precisely the type of system expressly upheld in Grutter."**

Q Okay. Thank you. Now, the Supreme Court has characterized the University of Michigan Law School's use of race in admissions decisions as indispensable because it raised the level of minority enrollment from 4 percent to over 14 percent. Would you say that the university's -- The University of Texas at Austin's use of race is indispensable in promoting minority enrollment at The University of Texas?

[57] MS. KNEELAND: I'm going to object to that. To the extent you're asking him to make a legal conclusion about what the Supreme Court might conclude about the university's use of race, I'm going to -- I'm going to direct him not to answer.

MR. McCARTHY: I'll make it clear. I'm not asking what he thinks the Supreme Court would say.

Q (By Mr. McCarthy) Dr. Walker, do you think The University of Texas's use of race in admissions decisions is indispensable to increasing minority enrollment?

**A Yes.**

Q Now, earlier you testified that you're not sure how much the use of race in admissions decisions has an effect on minority enrollment.

**A I think what I said was that I can't parse out race from everything else.**

Q Okay. So I don't want to misrepresent what you said before. So you can't parse it out. Correct?

**A [Nodding].**

Q So it's unclear how much the consideration of race is making a difference as to minority enrollment levels. Correct?

**A Would you repeat that question again?**

Q So it's unclear how much the consideration of race is having effect on minority enrollment levels. [58] Correct?

MS. KNEELAND: Objection; form.

**A So you have asked the negative, if it's unclear.**

Q (By Mr. McCarthy) Yes. You said --

**A I would say yes.**

Q -- you couldn't parse it. Yeah, okay. So it's unclear, yes?

**A Yes.**

Q Okay. Then how in your opinion is the use of race indispensable to increasing minority enrollment?

**A Well, it's -- first of all, it lends itself to having a -- the use of race lends itself to having a diverse class and all the ways that that can be described. And the benefits of having a diverse class are so enormous to us that if -- if the use of race has some help to us, then it's important -- and I think -- what was your word?**

Q Indispensable?

**A Indispensable to us to have that diverse class. If that -- if that helps us, then I would say -- I'll use your word -- indispensable.**

Q Okay. Now, earlier you testified that the use of race promotes racial diversity. Correct?

**A Yes.**

Q Okay. So now, you -- now, I believe you said that the use of race helps promote all kinds of diversity [59] at the university.

**A That is true.**

Q And how does it do that?

**A Well, everyone has a race. Right?**

Q Uh-huh.

**A So it's -- if race had a -- let me start the statement over again. People that we admit are diverse because we -- by design we're trying to have a diverse class. Race as being only one of many, many ways that diversity could come. So when I said -- I think the word was that race helps us become diverse, then that's what I meant. You know, you don't come with just a race, you come with a lot of other characteristics as well.**

Q Okay. So -- but how does the use of race promote those other characteristics?

**A Well, I thought I just explained it, but maybe I didn't explain it very well. It's one of many factors. Race is one of many factors that we use.**

Q Uh-huh.

**A And we don't enroll a student just because they are black or just because they're white or just because they're Hispanic. They're going to bring a lot of other diversity pieces with them.**

Q Uh-huh.

**A So the use of race in that context brings all** [60] **kinds of diversity, not just racial diversity, because students are more than just their race.**

Q Students certainly are more than just race, but isn't it those other factors aside from race that promote other kinds of diversity aside from racial diversity?

MS. KNEELAND: Objection; form.

**A Say that again? Ask that question again, please.**

Q (By Mr. McCarthy) Students certainly are more than just their race.

**A That's correct.**

Q But isn't it their characteristics other than race that promote the kinds of diversity there are other than racial diversity?

**A Correct.**

Q Okay. So doesn't a student's -- doesn't the university's use of race promote only racial diversity?

**A No. I mean, you're -- no. I mean, it does -- you're asking me to exclude all the other things the students bring with them and can't do that.**

Q I'm not asking you to exclude the other things that the students bring with them. I understand that students bring a lot of things and the university has very much a holistic, full-file review of students to try and promote lots of kinds of diversity.

**A Including racial.**

[61] Q Including racial. And I don't dispute that at all.

**A Right.**

Q And that's what -- I understand that's your testimony and the testimony of other officials at the university has been so far in this case, that all those various factors and special circumstances are intended to promote all kinds of diversity. Correct?

**A Correct.**

Q But I'm having a hard time seeing how the use of race promotes anything other than racial diversity. So, again, let me ask you and I'll try to ask this in a different way.

With the understanding that the university's program -- sorry. Let me start that again.

With the understanding that the university's admissions program seeks to promote all kinds of diversity, isn't it true that the factor of race itself promotes only racial diversity?

**A No. You used the word only, and that's -- no.**

Q What other kinds of diversity are there?

**A Oh, there's geographic diversity, there's --**

Q Let's take geographic diversity.

**A -- socioeconomic diversity, there's --**

MS. KNEELAND: Well, he wasn't done, so --

[62] Q I'm sorry. Go ahead.

MS. KNEELAND: -- why don't you let him --

Q Go ahead.

MS. KNEELAND: -- continue his list.

Q (By Mr. McCarthy) Sorry.

**A There's geographic diversity, there's socioeconomic diversity, there's the type of school you came from, there's rural, inner city, suburban, there's your background growing up, single-family home, there's -- in Texas there's cultural diversity. We're a big state and different parts of Texas bring different types of culture. So there's -- there's lots of diversity that comes.**

Q Okay. All right. I would like to ask you now a little bit about HB 588.

**A Okay.**

Q How has HB 588 impacted enrollment at The University of Texas at Austin?

**A Ain't it a bitch?**

THE WITNESS: Is there a word -- do you have a word for bitch?

THE REPORTER: I do. Thank you.

**A How has it impacted us? Well, a larger and larger percent of our admissions decisions are now made automatically through the Top Ten Percent bill. That's** [63] **probably the biggest effect that it's had for us.**

Q (By Mr. McCarthy) Okay.

MR. McCARTHY: All right. We would like to take a break.

(Recess from 10:18 a.m. to 10:35 a.m.)

MR. McCARTHY: We've got no more questions to ask Dr. Walker right now.

MS. KNEELAND: All right. We'll reserve for trial or whatever.

(Deposition concluded at 10:35 a.m.)

## APPENDIX H — EXHIBIT 11 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, "RANKINGS & KUDOS," THE UNIVERSITY OF TEXAS AT AUSTIN, DATED JANUARY 21, 2009

## THE UNIVERSITY OF TEXAS AT AUSTIN

## ABOUT UT

**Rankings & Kudos**

What starts here changes the world.

The University of Texas at Austin makes the world a better place by leveraging its research and knowledge to address the needs of the state, the nation and the world. This list of some of our recent rankings and kudos highlights the university's depth of resources, talent and technology, as well as how the city of Austin—as a national creative center—and the university complement one another.

If you've run across a ranking or other expression of kudos that might fit with this list, send the information along to the university's **Office of Public Affairs**.

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The University of Texas at Austin's schools of Business, Engineering and Law and its College of Education each rank among the **nation's top graduate programs** in this year's U.S. News & World Report magazine survey.

Using quantitative and qualitative measures, the magazine annually ranks graduate school programs in business, education, engineering and law. Certain other Ph.D. programs and specialty programs are ranked in

alternate years based on ratings of academic experts, including faculty and administrators. All fields are not surveyed every year by U.S. News & World Report.

The university's programs in accounting, archives and preservation, Latin American history and petroleum engineering rank No. 1 in reputational surveys. Several Ph.D. and graduate programs were ranked among the nation's top five in the magazine's reputational survey.

The University of Texas at Austin's **graduate school rankings**, based on quantitative and qualitative measures:

- **Business** – 18th.
- **Education** – 10th, tied with University of Pennsylvania.
- **Engineering** – 11th, tied with University of California, San Diego.
- **Law** – 16th, tied with University of California at Los Angeles. (The School of Law also ranked 14th, tied with the University of Nevada-Las Vegas and Yale University, among the most diverse law schools listed by U.S. News & World Report.)

The University of Texas at Austin's LBJ School of Public Affairs, and programs in the School of Information, School of Nursing, College of Pharmacy and School of Social Work were ranked among leading public affairs graduate programs using solely qualitative measures:

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- **Library and Information Studies** (ranked in 2005) - 7th, tied with Indiana University and University of Pittsburgh

- **Nursing** (master's, ranked in 2007) - 19th, tied with Columbia University, Rush University, University of Virginia, University of Wisconsin and University of Texas Health Science Center-Houston and Vanderbilt University

- **Pharmacy** (Pharm. D.) - 4th

- **Public Affairs** - 14th, tied with American University, Columbia University, Georgetown University, George Washington University, SUNY-Albany, University of California at Los Angeles, University of Minnesota, University of North Carolina, University of Washington and University of Wisconsin.

- **Social Work** (master's) - 6th, tied with University of California at Berkeley

Rankings of The University of Texas at Austin's **graduate programs and fields of study** (some from previous years), based on opinions of deans, department heads and other senior faculty:

- **Business (ranked in 2008)**
  - o accounting - 1st
  - o entrepreneurship- 9th
  - o information systems - 3rd
  - o marketing - 9th

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- **Education (ranked in 2008)**
  - o administration/supervision - 6th
  - o special education - 4th

- **Engineering (ranked in 2008)**
  - o aerospace - 8th
  - o chemical - 8th
  - o civil- 4th
  - o computer engineering - 9th
  - o environmental/environmental health - 4th
  - o mechanical - 10th
  - o petroleum - 1st

- **Fine Arts,** Master of Fine Arts in art and design (ranked in 2008) - 15th

- **Health Disciplines**
  - o audiology (ranked in 2008) - 9th
  - o clinical psychology (ranked in 2008) - 16th
  - o speech-language pathology (ranked in 2008) - 9th

- **Law (ranked in 2008)**
  - o tax law - 10th
  - o trial advocacy - 9th

- **Library and Information Studies**
  - o archives and preservation (ranked in 2005) - 1st
  - o law librarianship (ranked in 2005) - 3rd

- **Public Affairs (ranked in 2008)**
  - o information and technology management - 9th
  - o public policy analysis - 10th
  - o social policy - 9th

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- **The Sciences:**
  - biological sciences (ranked in 2007) - 23rd
  - ecology/evolutionary biology (ranked in 2007) - 8th
  - chemistry (ranked in 2007) - 12th
  - analytical chemistry (ranked in 2007) - 5th
  - computer science (ranked in 2008)- 9th
  - computer science systems (ranked in 2008) - 8th
  - computer science theory (ranked in 2008) - 10th
  - artificial intelligence (ranked in 2008) - 5th
  - programming language (ranked in 2008) - 8th
  - Earth sciences (ranked in 2006) - 9th
  - geology (ranked in 2006) - 5th
  - geophysics and seismology (ranked in 2006) - 8th
  - paleontology (ranked in 2006) - 9th
  - mathematics (ranked in 2008) - 14th
  - analysis (ranked in 2008) - 10th
  - applied math (ranked in 2008) - 9th
  - topology (ranked in 2008) - 7th
  - physics (ranked in 2008) - 16th
  - cosmology/relativity/gravity (ranked in 2008) - 8th
  - plasma (ranked in 2008) - 5th

- **Social Sciences and Humanities (ranked in 2005)**
  - economics - 25th
  - educational psychology - 77th
  - English - 19th
  - history - 19th
  - Latin American history - 1st
  - political science - 25th
  - psychology - 12th

- o sociology - 14th
- o sociology of population - 5th

The University of Texas at Austin ranks sixth in the nation in producing **undergraduate degrees for minority groups**, according to the May 31, 2007 edition of Diverse Issues in Higher Education magazine.

In addition to the overall standing, the university ranks 10th nationally among the magazine's Top 100 producers of undergraduates for Hispanics, eighth for Asian Americans and 59th for American Indians.

Among **undergraduate academic programs in the top 100** at the university:

- Engineering ranks fourth overall, fifth for Hispanics, fourth for Asian Americans, 22nd for American Indians and 37th for African Americans.

- Mathematics ranks third overall, third for Hispanics, fourth for Asian Americans and sixth for African Americans.

- Biological and biomedical sciences ranks sixth overall, fourth for Hispanics and sixth for Asian Americans and 50th for African Americans.

- Social sciences ranks 10th overall, seventh for Hispanics and 12th for Asian Americans.

- Area ethnic, cultural and gender studies ranks 15th overall, seventh for Hispanics and 12th for Asian Americans.

- Computer and information science and support services rank 13th overall, sixth for Asian Americans and 37th for Hispanics.

- English ranks 22nd overall, 11th for Hispanics and 13th for Asian Americans.

- Business, management, marketing and related support services rank 29th overall, 13th for Asian Americans and 32nd for Native Americans.

- Psychology ranks 22nd overall, 27th for Hispanics and 15th for Asian Americans.

Last year, the university ranked fifth overall, seventh for Hispanics, ninth for Asian Americans and 65th for American Indians.

The report—**Top 100 Undergraduate Degree Producers**—includes degrees conferred during the 2005-06 academic year that have been reported to the U.S. Department of Education's National Center for Education Statistics through the Completions Survey of the Integrated Postsecondary Education Data Set.

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The University of Texas at Austin ranks 70th in the World University Rankings, published October 2008 by Times Higher Education and Quacquarelli Symonds.

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The rankings were produced from a peer review in which more than 6,000 academics around the world took part, as did more than 2,000 employers of graduates.

The results show that the United States has 58 of the world's top 200 universities.

Source: **Times Higher Education**

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The University of Texas at Austin ranks 39th in the world and 32nd in its region in the August 2008 Academic Ranking of World Universities, the annual ranking by China's Shanghai Jiao Tong University.

The report shows that 54 percent of the top 100 universities are in the United States.

Source: **Shanghai Jiao Tong University**

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The University of Texas at Austin ranks second among universities and colleges enrolling the **most National Merit Scholars**. In the university's 2007 entering class, there were 283 freshman Merit Scholars, second only to Harvard University where 285 freshman Merit Scholars attend. The National Merit Scholarship Program "identifies and honors academically talented U.S. high school students."

Source: **National Merit Scholarship Corporation**

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In its February 2008 listing for the "100 Best Values in Public Colleges," Kiplinger's Personal Finance magazine listed The University of Texas at Austin 24th among its **best public college values**. The ranking paired academic quality with cost of attendance.

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The 2007 Faculty Scholarly Productivity Index rates **faculty members' scholarly output** and compiles overall institutional rankings on 375 universities that offer the Ph.D. degree.

The index examines the number of book and journal articles published by each program's faculty, as well as journal citations, awards, honors and grants received.

The University of Texas at Austin ranked in the top 10 in the disciplines below. (A discipline may appear more than once if it is related to more than one department.)

- **Biological and biomedical sciences:** ecology (9); evolutionary biology (8)

- **Business:** business, various (10); finance (3); marketing (6)

- **Education:** curriculum and instruction (6); science education (6); special education (6); teacher education specific subject areas (10)

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- **Engineering:** aerospace engineering (8); biomedical engineering (6); chemical engineering (4); materials science and engineering (8)

- **Family, consumer and human sciences:** communication and communication studies (3); mass communications/media studies (8)

- **Health science professions:** pharmacy (7); pharmacy (6); pharmacy (9)

- **Humanities:** area and ethnic studies, various (3); art history and criticism (7); Asian languages (6); Asian studies (4); music specialties (6); philosophy (3); Slavic languages and literatures (5); theatre literature, history and criticism (7)

- **Physical sciences and mathematics:** applied mathematics (3); computational sciences (7).

Source: **The Chronicle of Higher Education: Faculty Scholarly Productivity Index**

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In September 2007, U.S. News & World Report magazine released its list of the "50 **Best Graduate Schools** of 2008." The University of Texas at Austin placed 19th. The schools were ranked according to their performance in categories such as average starting salary for graduates, percentage of employment after graduation, enrollment and rate of acceptance.

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In the 2008 DesignIntelligence ranking of the nation's **best architecture and design schools**, the School of Architecture at The University of Texas at Austin was ranked No. 6 for undergraduate programs and No. 10 (tied with Clemson University and Rice University) for graduate programs.

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The September 2007 issue of Hispanic Business magazine features the **"Best Schools for Hispanics"** report with top 10 lists in the fields of law, business, engineering and medicine. The University of Texas at Austin School of Law was named the No. 3 law school in the nation for Hispanics, the university's McCombs School of Business placed No. 2 for business and the Cockrell School of Engineering took the No. 6 spot for engineering.

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In its College Guide '08, Newsweek magazine featured its list of the 25 Hottest Schools. The University of Texas at Austin made the list in the category **"Hottest for Saving America's Schools."** The prominence of the university's professors and programs—Chrys Dougherty, Uri Treisman, UTeach and Teach for America—involved in education reform were cited.

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The Michener Center for Writers at The University of Texas at Austin was named one of the **"Ten Top Graduate Programs in Creative Writing"** by The Atlantic Monthly magazine in the 2007 Fiction Issue's guide to the nation's top writing programs. The Michener Center was also noted in two other categories: "Five Highly Selective Programs" and "Five Well-Funded Programs."

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In the Wall Street Journal's annual ranking of the **best business schools**, The University of Texas at Austin's McCombs School of Business moved up 13 spots to No. 18. The ratings are based on a survey of corporate recruiters, who rank the schools and their MBA students on factors such as faculty expertise, interpersonal skills, ethics and integrity and strategic thinking. (Austin American-Statesman, September 20, 2006)

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The Global Gaming League, an online gaming organization, has named The University of Texas at Austin the **best college for online gaming** based on its criteria of student gaming population, location to gaming facilities, student gaming organizations, tournaments and LAN (local area network) parties, tech-friendliness, Internet connection and curriculum.

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In Newsweek magazine's August 2006 list of the **top 100 global universities**, The University of Texas at

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Austin ranked 27th overall and eighth among U.S. public universities. The ranking "takes into account openness and diversity, as well as distinction in research."

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In the U.S. News & World Report magazine's list of the **top national public universities** for its "America's Best Colleges 2007" guide, the university ranked 13th among 162 institutions surveyed. The university was ranked 17th in this category last year. In the magazine's survey of 248 American universities—public and private—The University of Texas at Austin ranked 47th, a jump from 52nd a year ago.

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In its listing of "America's Best Colleges 2007," U.S. News & World Report magazine ranked The University of Texas at Austin 31st in the category of "**Best Values:** National Universities." The ranking "relates to a school's academic quality, as indicated by its U.S. News ranking, to the net cost of attendance for a student who receives the average level of financial aid."

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The 2007 Fiske Guide to Colleges, an annual publication edited by former New York Times Education Editor Edward B. Fiske, listed The University of Texas at Austin among 20 "**best buys**" among public colleges and universities. The guide coupled the institutions' academic quality with the cost of attendance.

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The Washington Monthly, a District-based political magazine, ranks the university 17th among national universities on **community and national service.**

The Princeton Review listed The University of Texas at Austin among its list of "America's Best Value Colleges" in the 2007 edition. The publication said the university is "designated as one of the **best overall bargains**—based on cost and financial aid—among the most academically outstanding colleges in the nation."

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The University of Texas at Austin's Blanton Museum of Art is the **largest university art museum in the country** and the third largest art museum in Texas.

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The University of Texas at Austin has maintained an **active recycling program since 1993**. About 18,500 blue recycling bins are located across the main campus and Pickle Research Campus. During the 2005-06 fiscal year, the university recycled more than 2.9 million pounds of paper, preserving almost 25,000 trees and saving more than 4,800 cubic yards of landfill space. The paper recycling program also generated nearly $105,000 in rebate funds for the university. (**Facilities Services Recycling Program**)

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The University of Texas at Austin is the **26th-best university in the world**, according to a global ranking produced by the Times of London in its Oct. 28, 2005, edition. The university ranked 14th among the top North American public and private universities. The Times ranking was based, in part, on a survey of 2,375 research-active academics.

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In a recent report on the **innovativeness of universities worldwide**—conducted by the Research Center for Innovation and Development of Zhejiang University in Hangzhou, China—The University of Texas at Austin ranked No. 4 among 200 institutions around the world, behind Harvard University, Stanford University and the University of California, Berkeley. The criteria for the ranking included indicators such as the number of faculty Nobel Laureates, the amount of research funding faculty members receive, the amount of cited research by faculty members and the number of doctor's degrees awarded.

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The Times of London, in its Nov. 5, 2004, edition, rated The University of Texas at Austin **seventh in the world** in the amount of cited research by faculty members.

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In the latest survey by the National Research Council, **seven doctoral programs** ranked in the top 10 in the nation and 22 departments ranked in the top 25. Among Texas colleges and universities, UT Austin ranked No. 1 in 30 of the 37 fields in which it was evaluated.

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McCombs School of Business ranked 9th in the country on BusinessWeek magazine's list of the **top undergraduate business schools**. (Austin American-Statesman, April 29, 2006)

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The University of Texas at Austin is one of only six colleges to earn an 'A' grade for **endowment transparency**.

The Sustainable Endowments Institute, a group that studies university investment policies, has kept tabs on green initiatives and whether colleges invest in green-friendly ways. In its January 2007 College Sustainability Report Card, the institute looked at public data from 100 colleges in the United States and Canada and gave a letter grade in each of seven categories: administration, food and recycling, green building, climate change and energy, shareholder engagement, investment priorities and endowment transparency.

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**What others are saying about The University of Texas at Austin ...**

The University of Texas System ranks No. 1 for **biotechnology patents** among 424 universities in the world, according to the Milken Institute and its September 2006 report on universities' biotechnology research and commercialization.

"There is a specialization about biotechnology in the UT System," said Armen Bedroussian, co-author of the report. "I also believe that among the UT campuses, UT Austin has the best commercialization index in the report."

The report includes rankings of the top universities based on the quality of their biotech research, the number and quality of their patents and their ability to transfer the technology into commercial uses. (**Milken Institute's "Mind to Market" report**)

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"The **Central Texas economic engine known as UT Austin**, with these three campuses (the main campus known as the Forty Acres, the 475-acre J.J. Pickle Research Campus and the planned Dell Children's Medical Center of Central Texas), will provide a rare impetus to the Austin area's economic destiny for decades to come." (The Neal Spelce Austin Newsletter, Sept. 8, 2006)

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The 2007 Fiske Guide to Colleges said The University of Texas at Austin is "**on anybody's list of the top 10 public universities in the nation.** The Plan II liberal arts honors

program is one of the nation's most renowned. Though it is also the capital of Texas, Austin ranks among the nation's best college towns."

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"Few if any cities rank extremely high in all categories," said Expansion Management chief editor Bill King about his magazine's 2006 Mayor's Challenge ranking of the **best places in the U.S. to locate a company**. "But cities like Pittsburgh, Austin, [Texas] and Raleigh-Cary, [N.C.] do well in just about every area." (Pittsburgh Post-Gazette, Aug. 15, 2006)

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"We are very excited about UT's **shared commitment** to offer leading-edge children's healthcare, research and education right here in Austin," Susan Dell, co-founder and chairman of the Michael & Susan Dell Foundation said in announcing grants of $50 million to establish three new world-class facilities at UT Austin. "These new facilities are a perfect complement to other investments we've made in children's health, math and science education, and instilling healthy habits to combat major risks like Type 2 Diabetes in children. This is a great opportunity to take advantage of UT Austin's historical excellence in Life Sciences research and, in turn, make a practical difference in the lives of children." (The University of Texas System news, May 15, 2006)

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The Texas pipeline is full of **wonderful opportunities to commercialize**.

For example, in May 2005, The University of Texas at Austin Office of Technology Commercialization unveiled 11 new technologies that are patented and "ready to commercialize," not to mention the 181 identified technologies that are also now available.... Texas stands atop the country, according to Site Selection Magazine, as the **best place to do business**. (Austin Chamber of Commerce, June 2005)

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"Austin is a high-tech city with an **attractive quality of life**. It is an appealing environment for the innovators we need at Freescale," Freescale CEO Michel Mayer said in a memo to employees explaining why the company chose Austin as the site for its global headquarters. He also noted the proximity of two great universities—The University of Texas at Austin and Texas A&M. (Austin Chamber of Commerce, April 2005)

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"Discoveries made at UT Austin help **stimulate our economy**. Companies such as (Molecular Imprints, LabNow, Entercel and Proactive Technologies) commercialize the discoveries made on campus or when they are licensed to companies. Most of these discoveries come about as a result of the massive amount of research grants to UT Austin. The large research enterprise on the Forty Acres has pulled in nearly $400 million in research grants." (The Neal Spelce Austin Newsletter, Feb. 11, 2005)

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"UT Austin is the single most important engine **driving the Austin area economy**. One example: Austin would not

even be a player in this high tech age if the University of Texas was located elsewhere, plain and simple. There are other examples, but take it to the bank that what helps UT Austin gain in stature and greatness benefits our economy immeasurably." (The Neal Spelce Austin Newsletter, Jan. 14, 2005)

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Austin Partners in Education has named The University of Texas at Austin as the Partner of the Year for 2004. "Ever so quietly, a committed university community works tirelessly year after year in concert with us, striving to improve every facet of our school district," Austin Independent School District (AISD) Superintendent Pat Forgione said, adding that the scope and breadth of the UT partnership programs with Austin schools are impressive: "It is not possible to acknowledge and thank the countless key leaders at UT, who, in addition to all of their other duties, give countless hours to the Partners Program. The university's **commitment to our children** is truly remarkable, and we are proud to honor the University of Texas as the 2004 Partner of the Year." (Austin Independent School District, April 26, 2004)

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"UT Austin is a **great economic engine for this area**. It provides knowledge, research, collaboration and people. This, in turn, creates jobs and is one reason Austin was recently ranked 3rd in the nation as the best area to launch a business or a career. The listing comes courtesy of Forbes magazine as it named the nation's top metros for new business operations. The national business publication cited our area's diverse, educated workforce as one of the

main criteria for selection. And, of course, UT Austin figures prominently in that equation." (The Neal Spelce Austin Newsletter, Nov. 5, 2004)

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"The university **opened the doors of the universe to me**," Lady Bird Johnson said after the University of Texas System Regents authorized the union of The University of Texas at Austin and the Lady Bird Johnson Wildflower Center. "By the time I had earned two degrees, I realized that education was the beginning of a quest that lasts, and it enabled in me a greater capacity to enjoy the world. These qualities emboldened me to establish the center." (Office of Public Affairs news, The University of Texas at Austin, June 20, 2006)

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"One of the most important things about the Harry Ransom Center is that the material will be **accessible to students and the public**," Robert De Niro said in explaining why he donated his archives to The University of Texas at Austin. "Ultimately, that's what it's all about." (Office of Public Affairs news, The University of Texas at Austin, June 7, 2006)

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**What others are saying about the city of Austin . . .**

Austin ranked No. 6 in a July 2008 list of the top 10 "**Best Cities to Live, Work and Play**," according to **Kiplinger's Personal Finance magazine**, which looked for places "with strong economies and abundant jobs," as well as "reasonable living costs and plenty of fun things to

do." The list also factored in population growth and the percentage of the workforce in the creative class.

The magazine cited Austin for "a strong economy, a solid, moderately priced housing market, a growing population and enough natural beauty to justify staying outside even if the weather weren't great—which, by the way, it is." The University of Texas at Austin, the state capitol and downtown redevelopment were also highlighted as keys to Austin's vitality and livability.

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In its annual report—**Boomtowns 2007: The Best Cities for Doing Business**—Inc.com analyzed job-growth data, supplied by the Bureau of Labor Statistics, on 393 metropolitan areas across the nation. The Austin-Round Rock area ranked No. 16 in the Top 20 Large Cities category, up from the 26th spot in the same category on the 2006 list. In the Top Overall Cities category for 2007, Austin-Round Rock placed No. 110, up from the 173rd overall spot in 2006.

The strong showing of Austin and other Texas cities on the Boomtowns 2007 list can be attributed to factors such as "relatively low business costs, a recovery in technology—and most important, the thriving energy sector, which is attracting a new cadre of highly paid professionals to an increasingly sophisticated high-tech business. Job growth in Austin, hit hard by the dot-com bust, is now more than triple that of rival high-tech centers like Boston (No. 56) and San Jose (No. 60)."

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Austin ranked No. 1 as the **U.S. city with the most vital economy**, according to **Moody's Economy.com** June 2007 Business Vitality Index, which looked at the current and prospective economic conditions and economic risk of 379 U.S. cities.

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The city of Austin placed No. 2 on Prevention magazine's March 2007 list of the **best walking cities** in the nation. The ranking, commissioned by the American Podiatric Medical Association, was based on factors such as air quality, the percentage of people who walk to work, access to parks, number of athletic shoes sold and weather. (**Prevention's Best Walking Cities of 2007**)

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A February 2007 report by SustainLane, a green media company, named Austin the No. 1 U.S. city in incubating and clustering **clean technology companies**. The report ranked 50 cities and credits Austin with creating a robust test facility that is an innovative and economic step forward for the clean energy market. (**SustainLane's Top U.S. Cities for Cleantech Incubation Clusters**)

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In its November/December 2006 issue, National Geographic Traveler magazine rated 94 places worldwide and named Austin as the "**best little city in America.**" (**National Geographic Society Press Room**)

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In its 2006 ranking of the **top 10 green cities** in the U.S., The Green Guide named Austin No. 2. The guide looked for cities with energy-efficient, least polluting and healthy

living spaces and cited Austin "for its commitment to solar power and green building." In 2005 Austin also made The Green Guide's top 10 list. It was the only southern city to do so. (**Green Guide's Top 10 Green Cities in the U.S.: 2006**)

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The city of Austin placed No. 2 among the **10 best big cities to live**, as determined by Money magazine. Criteria included financial factors, education and quality of life. (**Money Magazine's Best Places to Live 2006: 10 Best Big Cities**)

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In the U.S. Census Bureau's 2005 American Community Survey, Austin ranked fifth among the **most educated cities** in the nation. Of Austin residents 25 years and older, 44.1 percent hold at least a bachelor's degree. (**U.S. Census Bureau's American Community Survey, November 2006**)

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According to research by the firm Morgan Quitno Press, Austin is No. 5 among the nation's **safest large cities** (500,000 or more). Round Rock came in at No. 13 in the overall list of safest cities. (**Morgan Quitno's Safest and Most Dangerous Cities**, October 2006)

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In its fourth annual Mayor's Challenge ranking of the **best places in the U.S. to locate a company**, Expansion Management magazine cited Austin-Round Rock as the top U.S. metropolitan area overall for businesses to locate. (**Expansion Management Online: 2006 Mayor's Challenge**, August 2006)

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In its August 2006 ranking of the nation's **heart-healthy cities**, Men's Journal magazine ranked Austin No. 2, citing Mayor Will Wynn's efforts to make Austin the fittest city in the U.S. by 2010. The magazine also placed Austin at No. 2 among the 50 **"best places to live"** in its April 2006 list citing cities that are the perfect combination of adventure, attractiveness and affordability. (**Men's Journal**)

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In its ranking of North America's most **vegetarian-friendly cities**, People for the Ethical Treatment of Animals places Austin at No. 8 among the top 10 large vegetarian/vegan-friendly cities. (**People for the Ethical Treatment of Animals**, April 2006)

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Kiplinger's Personal Finance magazine ranked Austin fifth among 50 **"smart cities"** in the June 2006 issue. (**Kiplinger's Personal Finance 50 Smart Places to live**)

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Austin was named No. 5 on the list of America's **most-educated cities** (May 2006) and is on the list for the 10 **hot cities for job growth** (May 2006). (**MSN.com: Most-Educated Cities in the United States, CNN.com: 10 hot cities for job growth**)

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Austin now ranks among the nation's elite cities when it comes to "smarts." In fact, Bizjournals.com (the parent of the Austin Business Journal) recently conducted a survey with Austin as #3 on the list of **"Smartest U.S. Cities."** Seattle and San Francisco are #1 and #2, with Colorado Springs and Minneapolis, #4 and #5. Other Texas cities in

the top 53 large U.S. cities: Arlington (#12), Dallas (#35), Houston (#38), San Antonio (#40) and El Paso (#48).

In the Bizjournals.com survey, communities were ranked in three population categories, based on a formula that rewards places with heavy concentrations of college graduates. The rankings reflect each community's collective brainpower, which is tied to its residents' abilities to innovate, create, compete—and make money. "Make money?" A worker with a graduate degree earns 45 percent more, on average, than a colleague with a bachelor's degree, and 167 percent more than someone who never went beyond high school, according to the U.S. Census Bureau. As a result, not surprisingly, America's brainpower is concentrated in tech centers, college/university towns, national and state capitals and affluent suburbs. (The Neal Spelce Austin Newsletter, June 16, 2006)

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The Austin/Round Rock area has the **second-most-educated workforce** in the country. Some 40.2 percent of adults in the city of Austin and 36.7 percent of adults in the metro area hold a bachelor's or advanced degree. **(Round Rock Chamber of Commerce)**

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**Sources for Rankings and Kudos include:**

- **BusinessWeek Undergrad Rankings**
- **College Sustainability Report Card**
- **Faculty Scholarly Productivity Index (FSPI): Top**

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**Research Universities**

- **o The University of Texas at Austin FSPI ranking**

- **Fiske Guide to Colleges**
- **Global Gaming League's First Annual Top Gaming Colleges Survey**
- **Kiplinger's Personal Finance 50 Best Values in Public Colleges**
- **Kiplinger's Personal Finance Best Values in Public Colleges: The Kiplinger 100**
- **Newsweek's Top 100 Global Universities**
- **Princeton Review America's Best Colleges**
- **Times of London World University Rankings**
- **U.S. News & World Report Rankings & Guides**
- **Austin Chamber of Commerce: Texas Legislature Enriches State Incentives for New Businesses**
- **Austin Chamber of Commerce: Freescale Semiconductor Selects Austin for Global Headquarters**
- **Office of Public Affairs News**
- **The University of Texas System News**

## APPENDIX I — EXHIBIT 28 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, GUEST EDITORIAL, "THE 'TOP TEN PERCENT LAW' IS WORKING FOR TEXAS," DATED OCTOBER 19, 2000

THE UNIVERSITY OF TEXAS AT AUSTIN

The "Top 10 Percent Law"
is Working for Texas

by

Dr. Larry Faulkner, President

The University of Texas at Austin

A guest editorial appearing in many Texas
newspapers on October 19, 2000.

As I travel around Texas, I often encounter the perception that the "Top 10 Percent Law" is causing a large number of qualified applicants to be denied admission to The University of Texas at Austin. That is not really the case. It is true that admissions have become much tighter, and it is true that many qualified students are not gaining admission. But the increased competitiveness is the result of the growth in the population of 18-year-olds and a very sharp rise in the number of applications. In 1997, UT Austin received 14,982 applications compared to more than 21,000 this year, an increase of 43 percent.

The Top 10 Percent Law (officially House Bill 588) guarantees that Texas high school graduates who rank in the top 10 percent of their senior class be admitted to

any state institution of higher learning. Two years ago, 42 percent of UT Austin freshmen were top 10 percent graduates. This year, the figure is 47 percent. So, *more than half* the spaces in the freshman class remain available to non-top-10-percent graduates. Furthermore, because the freshman class has increased in size to more than 7,600, there are about as many spaces for non-top 10 percent graduates as in past years.

Meanwhile, the Top 10 Percent Law has enabled us to diversify enrollment at UT Austin with talented students who succeed. Our 1999 enrollment levels for African American and Hispanic freshmen have returned to those of 1996, the year before the *Hopwood* decision prohibited the consideration of race in admissions policies. And minority students earned higher grade point averages last year than in 1996 and have higher retention rates. An impressive 94.9 percent of 1998 African American freshmen returned to enroll for their sophomore year in 1999. For Hispanics, 85.8 percent returned for their second year. So, the law is helping us to create a more representative student body and enroll students who perform well academically.

Critics contend the Top 10 Percent Law requires admission of some students who have lower standardized test scores than those who are rejected. This does occur. However, top 10 percent high school students make much higher grades in college than non-top 10 percent students. In fact, top 10 percent students at every level of the SAT earn grade point averages that exceed those of non-top 10 percent students having SAT scores that are *200 to*

*300 points higher.* Strong academic performance in high school is an even better predictor of success in college than standardized test scores.

Because the pool of applicants is rising, admission to the state's leading universities will continue to be more selective. That is a result of a growing population, improved schools and the hard work of students.

Throughout The University of Texas System, we are developing innovative ways to increase educational capacity. Our state will need increased intellectual capital to sustain economic growth in the 21st century. The Top 10 Percent Law is helping us to achieve that, while building a stronger Texas for us all.

## APPENDIX J — EXHIBIT 29 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, ARTICLE, "THE UNIVERSITY OF TEXAS AT AUSTIN'S EXPERIENCE WITH THE 'TOP 10 PERCENT' LAW", DATED JANUARY 16, 2003

THE UNIVERSITY OF TEXAS AT AUSTIN

The University of Texas at Austin's experience with the "Top 10 Percent" Law

January 16, 2003

AUSTIN, Texas—The University of Texas at Austin conducts its undergraduate admission program under guidelines established by the "Top 10 Percent" Law (officially House Bill 588) that guarantees that Texas high school graduates who rank in the top 10 percent of their senior class be admitted to any state institution of higher learning.

At a White House briefing on Jan. 15, White House spokesman Ari Fleischer highlighted the program Bush spearheaded as governor of Texas. Bush opposed racial preferences at state universities, opting instead for a program he calls "affirmative access," under which the top 10 percent of all high school students are eligible for admission.

The University of Texas at Austin, while following this policy, in 1997 adopted a "holistic" approach to admissions.

Variables in the "holistic" approach are factors such as the student's academic record that includes class rank,

completion of high school curriculum required by The University of Texas at Austin and the extent to which the student exceeded the university's required units. Among the "personal achievement" variables considered are the student's record for leadership, awards, extracurricular activities, work experience, socio-economic status of the family and school attended, and other factors. Students also must demonstrate their writing ability on two essays.

The University of Texas at Austin has effectively compensated for the loss of affirmative action, partly by increasing recruiting and financial aid for minority students. About 50 percent of its incoming first-year class includes "top 10 percent" qualifiers. The other half is admitted using normal admission criteria. Last fall, the first-year class included 272 African Americans, or 3.4 percent of the total of 7,936. It also included 1,138 Hispanics, or 14.3 percent of the total. The percentage of entering African American and Hispanics in fall 1996, the year the 5th Circuit Court of Appeals' decision struck down the use of affirmative action in Texas, was 4 and 14, respectively.

President Bush announced on Jan. 15 that the U.S. Justice Department will file a brief with the U.S. Supreme Court outlining the administration's opposition to the University of Michigan's affirmative action program.

The undergraduate admission process at the University of Michigan involves a point system where African American, Hispanic and Native American applicants earn 20 "bonus" points on the basis of race out of a 150-point system.

Bush called the system "a quota system" that rejects or accepts students "based solely on race," which he said is "impossible to square with the Constitution."

"We do not have, and have never had, quotas or numerical targets in either the undergraduate or Law School admissions programs," said University of Michigan President Mary Sue Coleman. "Academic qualifications are the overwhelming consideration for admission to both programs."

The Supreme Court's decision will define the role of affirmative action in the United States.

The links below provide information about The University of Texas at Austin's admission policies.

## APPENDIX K — EXHIBIT 30 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, NEWS, "ENROLLMENT OF FIRST-TIME FRESHMAN MINORITY STUDENTS NOW HIGHER THAN BEFORE HOPWOOD COURT DECISION," DATED JANUARY 29, 2003

THE UNIVERSITY OF TEXAS AT AUSTIN

NEWS

**"Enrollment of first-time freshman minority students now higher than before Hopwood court decision"**

January 29, 2003

AUSTIN, Texas—Diversity efforts at The University of Texas at Austin have brought a higher number of freshman minority students—African Americans, Hispanics and Asian Americans—to the campus than were enrolled in 1996, the year a court ruling ended the use of affirmative action in the university's enrollment process.

A report by the university's Office of Institutional Research for the 2002 fall/summer enrollment shows there were 266 African Americans, 932 Hispanics and 942 Asian Americans enrolled as first-time freshmen at the university in 1996. The numbers of African Americans and Hispanics dropped after the Hopwood ruling, although the figures for Asian Americans increased. In 1997, the numbers for first-time freshmen were down to 190 African Americans, 892 Hispanics and 1,130 Asian Americans.

*Appendix K*

More recent enrollment figures show a more encouraging trend. The summer/fall 2002 semester report shows that first-time freshmen enrollment for all three ethnic groups has increased to a level above the 1996 pre-Hopwood figures. Minority enrollment last fall included 272 African Americans, 1,137 Hispanics and 1,452 Asian Americans.

The university was forced to change its admission practices after a federal court ruling in a case that began in 1992 when law school applicant Cheryl Hopwood and others sued the university, claiming they were denied admission because the law school gave preferential consideration to black and Mexican-American applicants.

U.S. District Judge Sam Sparks ruled in 1994 that the Law school could consider race in admission to maintain diverse enrollment or remedy past discrimination. The 5th Circuit Court of Appeals overturned the decision in 1996, ruling that any consideration of race, even as one factor among many, is unconstitutional. As a result of the court's ruling, all affirmative action programs involving race and ethnicity in admission ended at public universities in Texas in June 1996.

The "Top Ten Percent" legislation (HB588) was enacted into law by the Texas Legislature in 1997 to assure the very best of each high school admission to the state university of their choice. The university also has taken other initiatives to encourage minority enrollment.

The decline in the Hispanic and African American freshman population in the first years after the Hopwood

ruling resulted in a lower total number of minority undergraduate students in subsequent years. In 1996, the university's undergraduate minority enrollment included 1,479 African Americans, 5,247 Hispanics and 4,459 Asian Americans. By 1997 the ethnic minority enrollment figures were 1,353 African Americans, 5,234 Hispanics and 4,783 Asian Americans.

The summer/fall 2002 undergraduate enrollment includes more Hispanic students (5,459) and Asian-American students (6,616) than in the last pre-Hopwood year. While there are still fewer African-Americans than in the last pre-Hopwood year by about 7 percent, the number of African-American undergraduates has been rebuilt from the low point in 1999, when the total was 1,277 students.

The rebuilding of diversity on campus also can be seen in the university's School of Law, where minority enrollment before Hopwood included 97 African Americans, 179 Hispanics and 88 Asian Americans. After Hopwood, the 1997 figures were 67 African Americans, 145 Hispanics and 94 Asian Americans. The figures for Hispanics and African Americans dropped even more in subsequent years and reached a low in 1999 of 17 African Americans and 114 Hispanic law students.

The minority enrollment at the Law School for the Fall 2002 semester was 54 African Americans, 150 Hispanics and 87 Asian Americans.

At the graduate level, there is greater representation in 2002 of both Hispanic students and Asian-American

students than in 1996. There has been a steady fall, however, in the number of African-American graduate students. The graduate student minority population in 1996 included 335 African Americans, 781 Hispanics and 442 Asian Americans. The totals in all groups fell in 1997 to 300 African Americans, 769 Hispanics and 423 Asian Americans. The report for fall 2002 shows 248 African Americans, 797 Hispanics and 586 Asian Americans.

The enrollment of white students at The University of Texas at Austin has increased on the undergraduate level but decreased on the graduate and law school levels since 1996. The summer/fall semester numbers for first-time freshmen were 4,159 in 1996, 4,730 in 1997 and 4,882 in 2002. The total number of fall undergraduates during those years were 23,345 in 1996, 24,219 in 1997 and 24,453 in 2002. Law school enrollment of white students was 1,115 in 1996, 1,089 in 1997 and 1,070 in 2002. The graduate school enrollment of white students was 6,886 in 1996, 6,761 in 1997 and 5,931 in 2002.

The Office of Institutional Research Web site provides a **statistical handbook** for the 2002-03 academic year that shows additional information about the university's enrollment and demographics.

**For more information contact: Robert D. Meckel**, Office of Public Affairs, 512-475-7847.

**The University of Texas at Austin**
**Office of Institutional Research**

**Fall Enrollment of First-Time Freshmen - Fall & Summer (TABLE S12A/B)**

| | Number | | | Percent Distribution | | |
|---|---|---|---|---|---|---|
| | 1996 | 1997 | 2002 | 1996 | 1997 | 2002 |
| African American | 266 | 190 | 272 | 4.1% | 2.7% | 3.4% |
| Hispanic | 932 | 892 | 1,137 | 14.5% | 12.6% | 14.3% |
| Asian American | 942 | 1,130 | 1,452 | 14.7% | 15.9% | 18.3% |

**Fall Enrollment - Undergraduate (TABLE S4A/B)**

| | Number | | | Percent Distribution | | |
|---|---|---|---|---|---|---|
| | 1996 | 1997 | 2002 | 1996 | 1997 | 2002 |
| African American | 1,479 | 1,353 | 1,372 | 4.1% | 3.7% | 3.5% |
| Hispanic | 5,247 | 5,234 | 5,459 | 14.7% | 14.2% | 13.8% |
| Asian American | 4,459 | 4,783 | 6,616 | 12.5% | 13.0% | 16.7% |

**Fall Enrollment - Undergraduate (TABLE S4A/B)**

**African American - Number/Percent Distribution**

| | | |
|---|---|---|
| 1995 | 1,469 | 4.2% |
| 1996 | 1,479 | 4.1% |
| 1997 | 1,353 | 3.7% |
| 1998 | 1,311 | 3.5% |
| 1999 | 1,277 | 3.4% |
| 2000 | 1,298 | 3.4% |
| 2001 | 1,335 | 3.5% |
| 2002 | 1,372 | 3.5% |

**Fall Enrollment - Law (TABLE S4A/B)**

| | Number | | | Percent Distribution | | |
|---|---|---|---|---|---|---|
| | **1996** | **1997** | **2002** | **1996** | **1997** | **2002** |
| African American | 97 | 67 | 54 | 6.4% | 4.7% | 3.6% |
| Hispanic | 179 | 145 | 150 | 11.8% | 10.2% | 10.1% |
| Asian American | 88 | 94 | 87 | 5.8% | 6.6% | 5.9% |

**Fall Enrollment - Law (TABLE S4A/B)**

**African American - Number/Percent Distribution**

| | | |
|---|---|---|
| 1995 | 100 | 6.6% |
| 1996 | 97 | 6.4% |
| 1997 | 67 | 4.7% |
| 1998 | 40 | 2.9% |
| 1999 | 17 | 1.2% |
| 2000 | 33 | 2.3% |
| 2001 | 41 | 2.9% |
| 2002 | 54 | 3.6% |

**Fall Enrollment - Graduate (TABLE S4A/B)**

| | Number | | | Percent Distribution | | |
|---|---|---|---|---|---|---|
| | 1996 | 1997 | 2002 | 1996 | 1997 | 2002 |
| African American | 335 | 300 | 248 | 3.1% | 2.8% | 2.2% |
| Hispanic | 781 | 769 | 797 | 7.3% | 7.3% | 7.2% |
| Asian American | 442 | 423 | 586 | 4.1% | 4.0% | 5.3% |

*Appendix K*

Source: The University of Texas at Austin 2002-03 Statistical Handbook

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## APPENDIX L — EXHIBIT 31 TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, ARTICLE, "THE UNIVERSITY OF TEXAS AT AUSTIN REACTS TO THE SUPREME COURT'S AFFIRMATIVE ACTION DECISIONS," DATED JUNE 23, 2003

The University of Texas at Austin reacts to the Supreme Court's affirmative action decisions

June 23, 2003

AUSTIN, Texas—The U.S. Supreme Court's landmark decision Monday (June 23) upheld the use of affirmative action in college admissions in two cases involving the University of Michigan at Ann Arbor, but rejected the way the school carried out affirmative action in its undergraduate admissions policy.

Dr. Larry R. Faulkner, president of The University of Texas at Austin, said the rulings in the Michigan case sweep away the restrictions of the 1996 Hopwood decision, a decade-long case that eliminated the consideration of race in admitting students at the university's School of Law and other higher education institutions in Texas.

"We are very pleased here at The University of Texas at Austin that the Supreme Court's rulings today place the state of Texas and higher education institutions in the state on the same competitive basis as education institutions throughout the United States," Faulkner said in a news conference.

The University of Texas at Austin will modify its admissions procedures to comply with the court's rulings in time for the fall 2004 semester, Faulkner said. This will

include implementing procedures at the undergraduate level that combine the benefits of the Top 10 Percent Law with affirmative action programs that can produce even greater diversity, he said.

Establishing these procedures for graduate and professional programs will be a priority, Faulkner said, because "we don't have a good substitute for affirmative action" in those programs.

The Michigan rulings establish a new precedent under which individualized, "holistic" admissions procedures, such as those in place at The University of Texas at Austin that consider multiple factors in a high school student's background, are affirmed as legal, he said.

"While competition (in recruiting and admissions) is an issue for us, this gets to the heart of what we are trying to accomplish as an institution," Faulkner said. "There is a compelling responsibility for a central public institution like this one to act directly and positively to educate the leadership of the future.

"That leadership comes from all sectors of society," he said. "We have to actively engage in our obligation to meet that responsibility. Today's court decision makes it easier for us to accomplish that goal."

In a case involving Michigan's law school, the court upheld the admissions policy in a 5-to-4 decision. The majority said that the policy was narrowly tailored to further a compelling interest in "obtaining educational benefits that flow from a diverse student body."

*Appendix L*

In the undergraduate case, the majority said that the university's current policy, which is more formulaic, was not narrowly tailored to achieve educational diversity.

The rulings do not affect the Top 10 Percent Law in Texas, (officially House Bill 588), which guarantees that Texas high school graduates who rank in the top 10 percent of their senior class be admitted to any state institution of higher learning.

The University of Texas at Austin's preliminary fall 2003 enrollment figures show that students admitted automatically under the Top 10 Percent Law would account for 69 percent of the freshman class and about 75 percent of the incoming freshmen listed as Texas residents. That total could jump to 85 or as much as 100 percent by the next Legislative biennium.

The university is seeking a legislative approval of a cap on the percentage of automatically admitted Texas residents of 60 percent, Faulkner said.

"The inability to consider any factors other than the single criterion of high school rank is unhealthy for an institution of higher education," he said.

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## APPENDIX M — EXHIBIT O TO AFFIDAVIT OF PAUL M. TERRILL, ARTICLE, "TOP 10 RULE LIMITS UT," DATED MARCH 20, 2008

The Houston Chronicle

March 20, 2008 Thursday
3 STAR EDITION

### Top 10 rule limits UT, says its leader; Powers argues forced admission blocks diversity

**BYLINE:** LISA SANDBERG, Austin Bureau

**SECTION:** A; Pg. 1

**LENGTH:** 603 words

**DATELINE:** AUSTIN

AUSTIN - The University of Texas at Austin has been forced to offer admission to a record number of Texas high school students using just a single criteria - class ranking - and that has hurt the university's ability to increase its racial and ethnic diversity, the school's president said Wednesday.

Eighty-one percent of the students being offered admission to UT's 2008 fall freshman class got in because they graduated in the top 10 percent of their high schools. That number is up 10 percent over 2007 figures and likely will rise to include all students in the not-too-distant future, William Powers Jr. warned.

*Appendix M*

On Wednesday and in testimony before a House panel a day earlier, Powers said the university could attract a more diverse student body if it was not forced by the state, under a decade-old law, to accept every student with a high class rank.

"Only about one in four students admitted under the top 10 percent law is African-American or Hispanic, so there's a natural limit if we don't have discretion in who we can go after," he said. "It's a capacity problem."

Powers supports capping at 50 percent the number of incoming freshmen admitted by UT-Austin under the top 10 percent law, and giving admission officers more discretion to use other factors, including race, when considering the rest.

Limiting the law has been a tough sell for Powers, particularly in long-neglected areas of the state. UT-Austin's minority enrollment is higher now than at any time since the law was passed.

From 1998 to 2007, the number of Hispanic undergraduates has risen by 29.3 percent to 6,700.

The percentage of African-American students has jumped by 32.4 percent to 1,700. UT's total undergraduate population stood last fall at a little more than 37,000.

Equal opportunity

Rep. Helen Giddings, D-Dallas, co-authored the top 10 percent law in response to a federal ruling that officials in

Texas believed barred race from being used in admission decisions.

The rule applies to every public institution in the state and gives equal opportunity to top students at any public school.

She credits her law with boosting enrollment at UT from both inner city and rural schools. She said UT's flagship school drew students from 616 Texas high schools in 1996, and now draws from 853 high schools.

"We cannot back away from making sure that these universities reflect the population of the state," she said.

Mike Villarreal, D-San Antonio, said the university's admissions policy seems "to be working very well." He was part of a coalition of urban Democrats and rural conservatives that last year defeated a bill that would have instituted the 50 percent cap.

Disadvantaged groups

Powers said the emphasis on class ranking excludes other measures that have proved to boost enrollment among disadvantaged groups, such as ensuring that high-performing students from disadvantaged backgrounds actually are able to attend college.

Powers said UT's outreach and scholarship efforts have been at least as important in bringing in underrepresented students.

*Appendix M*

Speaking before a House panel on higher education on Tuesday, he added that class ranking leaves an entire set of students in the cold: the Bill Gateses and Michael Dells of the world who showed exceptional talent in some areas, but didn't necessarily have high grade-point averages.

MINORITY INCREASE

UT-Austin's minority enrollment is higher now than at any time since the top 10 percent law was passed. Between 1998 and 2007 ...

... the number of Hispanic undergraduates has risen by 29.3 percent to 6,700

... the percentage of African-American students has jumped by 32.4 percent to 1,700.

**LOAD-DATE:** March 20, 2008

**LANGUAGE:** ENGLISH

**NOTES:** lsandberg@express-news.net

**GRAPHIC:** Mug: William Powers Jr. supports capping the rule at 50 percent for incoming freshmen. (p. 6)

**PUBLICATION-TYPE:** Newspaper

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## APPENDIX N — DEFENDANTS' STATEMENT OF FACTS, FILED FEBRUARY 23, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CIVIL ACTION NO. 1:08-CV-00263-SS

ABIGAIL NOEL FISHER, and
RACHEL MULTER MICHALEWICZ,

*Plaintiffs,*

UNIVERSITY OF TEXAS AT AUSTIN; et al.,

*Defendants.*

### DEFENDANTS' STATEMENT OF FACTS

Defendants University of Texas at Austin ("UT Austin"); Kenneth I. Shine; David B. Prior; William Powers, Jr.; Board of Regents of the University of Texas System, John W. Barnhill, Jr., H. Scott Caven, Jr., James R. Huffines, Janiece Longoria, Colleen McHugh, Robert B. Rowling, James D. Dannenbaum, Paul Foster, Prentice L. Gary; and Bruce Walker file this Statement of Facts in Support of their Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Partial Summary Judgment pursuant to Local Rule CV-7.

*Appendix N*

## I. UT Austin's Undergraduate Admissions for 2008

1. UT Austin considers itself a highly selective institution. Deposition of Kedra B. Ishop, taken October 6, 2008 ("Ishop Dep.") 9:20-23 (cited excerpts attached at Tab 2); Deposition of N. Bruce Walker, taken October 7, 2008 ("Walker Dep.") 9:13-15 (cited excerpts attached at Tab 5); Deposition of Gary Lavergne taken October 6, 2008 ("Lavergne Dep.") 11:20-24 (cited excerpts attached at Tab 3).

2. In recent years, UT Austin has received applications from approximately four times the number of students it has space to enroll in its freshman class. "Implementation and Results of the Texas Automatic Admissions Law (HB 588) at UT Austin," Oct. 28, 2008 ("*2008 Top 10 Report*") at 6, Exhibit C to the Affidavit of Gary M. Lavergne, executed February 19, 2009 ("Lavergne Aff."), attached at Tab 8 (2006: 27,315 applications, 7,417 enrolled; 2007: 27,237 applications, 7,479 enrolled).

3. For the class entering Summer/Fall 2008, UT Austin received 29,501 applications, offered admission to 12,843 applicants and ultimately enrolled 6,715 students as first-time freshman. *2008 Top 10 Report* at 6.

4. UT Austin's admissions policy is designed for the purpose of admitting a meritorious and diverse student body. Walker Dep. at 9:10-12.

5. Diversity is a "major priority" for UT Austin's students, faculty and staff, and it is UT Austin's aim to set

a "high standard for diversity in higher education." UT Austin's Office of Division of Diversity and Community Engagement, "2008 Impact Report" at 4, Exhibit A to the Affidavit of Gregory Vincent, executed February 23, 2009 ("Vincent Aff."), attached at Tab 10.

6. The University's broad vision of diversity encompasses various aspects of the human experience, including an applicant's culture; language; family, educational, geographic, and socioeconomic background; work, volunteer, or internship experiences; and leadership experience, among other elements. Walker Dep. 27:16-24. This broad vision of diversity also includes race. Walker Dep. 59:7-23; "Proposal to Consider Race and Ethnicity in Admissions," June 25, 2004 (the "*2004 Proposal*") at 3-4, attached as Exhibit A to the Affidavit of N. Bruce Walker, executed February 23, 2009 ("Walker Aff."), attached as Tab 11.

7. The policy is intended to enhance the educational experience of students on campus. *2004 Proposal* at 24. It is also intended to identify and develop the next generation of leadership, with the understanding and expectation that many of the University's graduates will become future leaders of Texas. *2004 Proposal* at 24-25.

8. The University expects that its students will experience concrete benefits from diversity. Walker Aff. ¶ 4. In the University's judgment, these include, but are not limited to, cross-racial understanding; cross-ethnic understanding; and the breaking down of racial, ethnic,

and geographic stereotypes. Walker Aff. ¶ 4. Students—regardless of race—should not feel like spokespersons for their race. Walker Dep. 21:6-13. UT Austin's admissions staff has read studies that tout other benefits: diversity promotes learning outcomes and better prepares students for an increasingly diverse work force, for society, and for entry into professions, where they will need to deal with people of different races, cultures, languages, and backgrounds. Walker Aff. ¶ 4. And the University's administrators know that graduates of the University of Texas will go on to become future leaders of this state, in government, industry, and public service, and perhaps others. Walker Aff. ¶ 4.

**A. Selection Pool**

9. Applicants do not compete with the entire universe of students who apply for the entering freshman class at UT Austin. Affidavit of Kedra B. Ishop, executed February 23, 2008 ("Ishop Aff."), attached at Tab 7, ¶ 7. The UT Austin admissions policy instead compares each applicant only to those other applicants who share both (1) the same residential status and (2) the same self-selected, preferred academic program.[1] Ishop Aff. ¶¶ 7-10.

10. UT Austin first places each applicant into one of three selection pools based on their residential status—Texas residents, non-residents (applicants residing within

1. Admission to several majors or programs is different than the process described in this section (for example, majors such as Fine Art and Architecture require auditions or specialized portfolios and are not subject to the Top 10% law). Ishop Dep. 92:10-22. The Plaintiffs did not apply to these programs. Ishop Aff. ¶ 2.

the United States but outside Texas), and foreign students. Ishop Aff. ¶ 7.

11. Approximately 90% of all slots available in the entering class are allotted for Texas residents. Ishop Dep. 39:16-17.

12. Applicants are then further divided based on their desired academic program. Ishop Dep. 14:11-15; 36:1-9. In some cases, applicants may be compared to other applicants based on the school or college that offers the intended major designated by the applicant. Ishop Dep. 35:14-21. For example, all applicants who state a preference for any of the majors within the School of Business will be compared to all other Business School applicants, regardless of major. Ishop Dep. 35:15-16. In other cases, applicants may be compared to other applicants based on the particular major they prefer. For example, those who select a major within the School of Engineering are compared only to other applicants who select the same major. Ishop Aff. ¶ 9. In the case of the College of Natural Sciences, applicants who select a major in Computer Sciences are compared to other applicants who select that same major; all other applicants within the College of Natural Sciences are compared with one another regardless of intended major. Ishop Aff. ¶ 9.

**B. Factors Considered in the Admissions Process**

13. The decision to admit one particular applicant over another within the same selection pool turns on one or more of the following three factors: (1) high school class

rank ("HSR"), (2) Academic Index ("AI"), and (3) Personal Achievement Index ("PAI"). *2008 Top 10 Report*, at 2; Ishop Dep. 30:3-31:15. A student's class rank is based on the applicant's high school grades only, while the AI and PAI are numbers generated by the UT Austin admissions office based on additional information provided to UT Austin by the applicant or an outside reporting agency such as the College Board. Ishop Aff. ¶¶ 3-4; Ishop Dep. 16:8-12; *2008 Top 10 Report* at 2-3.

14. The first two factors (class rank and AI) are based solely on an applicant's academic performance. *2008 Top 10 Report* at 2. The third factor (PAI) is a number derived from scoring the applicant's admissions essays and an admissions officer's holistic review of an applicant's entire application file. *2008 Top 10 Report* at 3.

15. The vast majority of Texas residents admitted to the freshman class are offered admission based on either class rank or a high AI alone, without any consideration of the PAI. Ishop Aff. ¶ 7. For example, for the class entering Fall 2008, only 841 available spaces in the freshman class remained available for Texas residents (out of 10,200 available spaces) after all automatic admissions based on academic performance were made. Ishop Dep. 91:9-24.

**1. Class Rank and the Top Ten Percent Law**

16. Texas law requires UT Austin to give primary consideration to the applicant's class rank, without regard to other criteria. *2008 Top 10 Report* at 1-2; *see also* TEX. EDUC. CODE § 51.803. Effective starting with

the fall entering class of 1998, UT Austin (like all public universities in Texas) must offer admission to any applicant who graduates in the top ten percent of his or her class from a high school in Texas, pursuant to a Texas law known as House Bill 588 or, more commonly, the "Top 10%" law. *2008 Top 10 Report* at 1-2; TEX. EDUC. CODE § 51.803. The law applies to every public high school in Texas, as well as every private high school in Texas that ranks its students and makes those rankings available to university admissions officers. TEX. EDUC. CODE § 51.803(a).

17. Although Texas law guarantees every Top 10% applicant automatic admission to UT Austin, the applicant is not guaranteed admission to his or her preferred academic program within UT Austin. Ishop Dep. 14:16-19; Lavergne Dep. 15:20-21.

18. Applicants who are eligible for guaranteed admission under the Top 10% law, but who are not admitted into either their first or second choice academic program due to space limitations within those programs, are entitled to admission to UT Austin as an undeclared major in the College of Liberal Arts. Ishop Dep. 50:15-18.

**2. Academic Index (AI)**

19. The review of admissions applications involves a calculation of a predicated grade point average ("PGPA") via a multiple regression equation. SAT/ACT scores and class rank are used to determine an applicant's PGPA. Ishop Aff. ¶ 3; Lavergne Dep. 17:13-25.

20. The PGPA is a number that attempts to predict the applicant's freshman year grade point average for a particular academic program. Lavergne Dep. at 17:13-18:18. Its functional range is 0.00 to 4.00 and it is calculated through a multiple regression equation using numerical components from two sources: (1) high school class rank and (2) standardized test scores from either the SAT or the ACT. Lavergne Dep. 17:13-25, *2008 Top 10 Report* at 2.

21. An applicant's Academic Index (AI) is derived by combining the applicant's PGPA with a bonus of 0.1 points (called a "units plus"), if the applicant qualifies for it. Ishop Aff. ¶ 3. The "units plus" bonus is awarded to those applicants who take more than UT Austin's minimum high school coursework requirements in at least two of three designated subject areas. Ishop Aff. ¶ 3; Lavergne Dep. 17:13-25; 2008 Top 10 Report at 2. If an applicant does not qualify for the "units plus" bonus, his PGPA and AI will be the same. Ishop Aff. ¶ 3. The opportunity to receive the 0.1 bonus makes 4.1 the highest AI recognized by the Office of Admissions. Ishop Aff. ¶ 3; Lavergne Dep. 17:13-25.

22. For purposes of calculating the applicant's PGPA, the applicant's class rank is based on his or her grade point average relative to others in the same high school class at the time of application, which typically occurs either at the end of junior year (after six semesters) or halfway through the senior year of high school (after seven semesters). Ishop Dep. 15:15-16:6.

*Appendix N*

23. Applicants may choose to submit either SAT or ACT test scores. Ishop Dep. 12:3-6; Lavergne Dep. 27:21-28:3.

24. For applicants who take the SAT or ACT more than once, UT considers only the highest total score from any single test. Ishop Dep. 12:3-6; *2008 Top 10 Report* at 5 n.5.

25. The particular formula used to calculate an applicant's PGPA varies depending on the particular academic program within UT Austin to which the applicant applies. Lavergne Dep. 18:5-12. Different colleges and schools weigh the Math and Critical Reading components of an applicant's standardized test score differently. Lavergne Dep. 18:5-12. Liberal Arts, Communications, Fine Arts, Social Work, and Education use the same formula to calculate PGPA; Nursing, Natural Sciences, Geosciences, and Architecture use another; and the Schools of Engineering and Business each have their own unique formulas. *2008 Top 10 Report* at 5 n.6.

26. The PGPA formulas, without the 0.1 bonus, as reflected in the *2008 Top 10 Report*, are:

**For Liberal Arts, Communications, Fine Arts, Social Work, and Education:**

PGPA = -0.19949 + (SAT V * 0.00142) + (SAT M * 0.00191) + (HSR * 0.01459)

OR

0.09689 + (ACT E * 0.02513) + (ACT M * 0.04577) + (HSR * 0.01351)

**For Nursing, Natural Sciences, and Architecture:**

PGPA = -1.10339 + (SAT V * 0.00088166) + (SAT M * 0.00230) + (HSR * 0.02416)

OR

-0.51242 + (ACT E * 0.00824) + (ACT M * 0.05007) + (HSR * 0.02199)

**For Engineering:**

PGPA = -1.53545 + (SAT V * 0.00072937) + (SAT M * 0.00313) + (HSR * 0.02285)

OR

-1.78910 + (ACT E * 0.01074) + (ACT M * 0.07335) + (HSR * 0.02708)

**For Business:**

PGPA = -2.31253 + (SAT V * 0.00157) + (SAT M * 0.00229) + (HSR * 0.03419)

OR

-2.14521 + (ACT E * 0.02892) + (ACT M * 0.05405) + (HSR * 0.03409)

SAT V = SAT Verbal Score; SAT M = SAT Math Score
ACT E = ACT English Score; ACT M = ACT Math Score
HSR = High School Class Rank

*2008 Top 10 Report* at 5 n.6.

*Appendix N*

### 3. Personal Achievement Index (PAI)

27. For those applicants who are neither automatically admitted into their first-choice academic program on the basis of superior academic performance alone, nor presumptively denied admission due to a low PGPA (see discussion of "C" group applicants below), UT Austin admissions officials undertake a holistic review of the entire application file to determine an applicant's PAI. *2008 Top Ten Report* at 3; Ishop Aff. ¶¶ 4, 12.

28. In addition to the applicant's class rank, standardized test scores, and high school transcript, an application file consists of the geographic and personal background information submitted on the standard application form and two required essays. *2008 Top Ten Report* at 2-3; Ishop Aff. ¶ 4; Ishop Dep. 12:13-13:5. An applicant's file may also contain letters of recommendation; an optional third essay detailing any special circumstances or other personal information the applicant wishes to share; and anything else the applicant includes with the application, such as a resume, artwork, or writing samples. Ishop Aff. ¶ 4; Ishop Dep. 12:13-13:21.

29. The PAI is determined based on a weighted average of scores the applicant receives for each of the two required essays and a "personal achievement" score given to the applicant based on a holistic review of the file, with slightly greater weight given to the personal achievement score. Ishop Aff. ¶ 5; *2008 Top Ten Report* at 3. For each component, the applicant receives a score on a scale of 1 to 6, with 6 being the highest score possible. Ishop Aff.

¶¶ 5, 18; *2008 Top Ten Report* at 3. The PAI is computed by averaging the two essay scores and then multiplying that number by three; multiplying the personal achievement score by four; adding those two subtotals together; and then dividing the sum by seven: [(average essay score x 3) + (personal achievement score x 4)] / 7. Lavergne Dep. 57:11-17.

**a. Essay Scores**

30. Applicants must submit two essays. Ishop Dep. 12:15-17; *2008 Top 10 Report* at 3.

31. For the fall entering class of 2008, the first essay question (Essay A) directed applicants to "describe someone who has made an impact on your life and explain how and why this person is important to you." Ishop Aff. ¶ 4, Ex. A. Essay B instructed applicants to "choose an issue of importance to you"—whether personal, school-related, political, local, or international—and explain "the significance of that issue to yourself, your family, your community, or your generation." Ishop Aff. ¶ 4, Ex. A.

32. Each of the two required essays are read and scored on a scale of 1-6 (6 being the highest possible score) by one of twenty-three members of the admissions staff specially trained to read and score essays. Ishop Aff. ¶¶ 5, 13.

33. Essays are scored based on the quality of the writing, without regard to the subject matter chosen or the viewpoint expressed. Deposition of Brian Bremen, taken

October 6, 2008 ("Bremen Dep.") 10:18-21 (cited excerpts attached at Tab 1). In scoring, readers are instructed to consider the complexity of thought, substantiality of development, and facility of language demonstrated by the essay. Bremen Dep. 10:20-21. The two required essays are scored in comparison to other essays from the same admissions pool. Bremen Dep. 10:3-12.

34. An optional third essay, Essay C, invites applicants to describe any personal information that UT Austin should consider, such as "exceptional hardships, challenges, or opportunities that have shaped or impacted your abilities or academic credentials, personal responsibilities, exceptional achievements or talents, educational goals, or ways in which you might contribute to an institution committed to creating a diverse learning environment." Ishop Dep. 78:12-20. Unlike the two required essays, the optional essay is not given its own score at any stage of the admissions process; rather, it is read as part of the holistic review of the applicant's file that determines the applicant's personal achievement score. Bremen Dep. 18:10-21; 20:18-20.

35. To ensure consistent scoring across all of the admissions office's essay readers, UT Austin requires training of essay readers on an annual basis by Dr. Brian Bremen, an associate professor in UT Austin's English Department. Bremen Dep. 7:16-17; 31:7-11. Dr. Bremen has been a consultant for the College Board for approximately thirty years, and he chaired the Test Development Committee for the SAT II writing test. Bremen Dep.

8:16-18. He has served as a consultant to UT Austin's admissions office for more than twelve years. Walker Aff. ¶ 7.

36. For each annual training, Dr. Bremen selects, out of a pool of about a thousand essays, approximately thirty-six to serve as exemplars for each essay topic—with about six samples for each of the six possible essay scores. Bremen Dep. 27:15-22.

37. The training begins by giving readers a set of essays, with scores pre-marked in ascending order, so that they can learn the differences in scoring. Bremen Dep. 27:23-24. Readers are then given sample essay sets to score, with the actual scores concealed. Bremen Dep. 27:25-28:2. Readers then together read through groups of exemplar essays for each score possible (one through six) until the readers develop a high degree of consistency in similarly scoring the same essay amongst different readers. Bremen Dep. 27:7-14.

38. The goal of the training is to ensure that all readers assign either the same score to any particular essay, or vary by no more than one point above or below the essay's true score, Lavergne Aff. ¶ 8. Bremen Dep. 25:1-13; 29:15-20.

39. Readers are also given a scoring guide that describes typical characteristics of essays with particular scores. Bremen Dep. 52:15-53:9; "Scoring Guide," Affidavit of Brian Bremen, executed February 23, 2009 ("Bremen Aff."), attached at Tab 6,. ¶ 6 & Ex. A. For example, an

essay scoring a 6 must demonstrate "clear and consistent competence," "effectively and insightfully address the writing task," be "well-organized and fully developed," and display "consistent facility in the use of language." Bremen Dep. 52: 19-25; "Scoring Guide," Bremen Aff. Ex. A. An essay scoring a 1 "demonstrates incompetent writing," reflects "very poor organization" and "very thin development," and contains "expressions so awkward that meaning is somewhat obscured." "Scoring Guide," Bremen Aff. Ex. A.

40. Readers leave the training session with a packet consisting of 36 exemplar essays for each question type that represent each score on the scoring scale and to which the readers can refer during the reading process. Bremen Dep. 27:17-28:14; 26:6-8.

41. In addition to this training, UT Austin also conducts "inter-rater reliability analyses" every several years, to ensure consistency among readers. Ishop Dep. 83:12-16; Lavergne Dep. 47:15-22, 51:15-20. The most recent analysis, conducted in 2005, showed that essay readers scored within one point of each other 91% of the time, comparable to the reader consistency goals set by the College Board for the SAT writing test. Lavergne Aff. ¶ 8; Lavergne Dep. 49:6-50:22.

42. In 2007, Dr. Bremen also sampled readers' essay scores against his own scores to ensure reader reliability. Ishop Dep. 84:12-16.

43. Consistency of essay scoring is further enforced when senior readers undertake a holistic review of the entire applicant's file, including the essays. Ishop Dep. 83:16-84:1. These senior readers review the essays and other aspects of the file for purposes of determining the personal achievement score, not the writing quality of the essays, but the senior readers have also been trained on essay reading and thus are able to informally review and monitor scoring. Ishop Dep. 83:16-84:1.

**b. Personal Achievement Score**

44. Twenty-two senior members of the UT Austin admissions office conduct a holistic review of entire application files, including the two required essays and any supplemental information provided by the applicant (such as the optional third essay and any letters of recommendation), in order to determine the personal achievement score. Bremen Dep. 16:15-17:13. At this stage, all three essays (if the applicant included the optional third essay) are reviewed for substantive content and for what they reveal about the applicant as a person, rather than for writing quality. Bremen Dep. 16:15-17:13, 18:5-19:4.

45. Every applicant is awarded a personal achievement score of 1-6 based on the reader's holistic evaluation of the applicant's demonstrated leadership qualities, extracurricular activities, honors and awards, work experience, community service, and a variety of special circumstances. Ishop Aff. ¶ 5; Ishop Dep. 18:9-19:14. All components are considered in the context of the applicant's entire file, and no numerical value is ever

assigned to any of the individual factors that may make up the personal achievement score. Ishop Aff. ¶ 5; Ishop Dep. 23:1-6; Bremen Dep. 22:7-10.

46. The component of the personal achievement score that involves consideration of an applicant's special circumstances includes the socioeconomic status of the applicant's family (parents' education and combined income); whether the applicant is from a single-parent home; whether a language other than English is primarily spoken in the applicant's home; special family responsibilities, such as earning income or caring for other family members, that reduce the applicant's available time for other extracurricular activities; the socioeconomic status of the applicant's high school; the average SAT/ACT score of students attending the applicant's high school in relation to the applicant's own score; and, beginning with applications for the 2005 entering class, the applicant's race or ethnicity. Ishop Dep. 22:13-20; Bremen Dep. 44:1-6.

47. In evaluating personal achievement, reviewers consider both the breadth and depth of an applicant's involvement in activities and pursuits. Ishop Dep. 18:19-20. Reviewers look for applicants who have maximized the opportunities presented by their circumstances and made a meaningful difference, whether through volunteering or other community involvement, family commitments, or working. Bremen Dep. 23:1-15.

48. The training for the readers who determine the personal achievement score is similar to the training given to essay readers, in that the goal is to develop consensus and uniformity in scoring amongst readers. Bremen Dep.

25:1-13, 26:16-27:7. First, senior admissions officers select two or three files from a group of approximately 50 that each officer believes exemplify each of the six possible personal achievement scores. Bremen Dep. 26:16-27:5. Each officer's selected files are then read and scored by four other senior officers. Bremen Dep. 26:16-27:7. Those files that receive the same score by all five readers are then used as exemplar files for all of the senior readers to instruct them on what a "perfect" file for each of the six possible scores looks like. Bremen Dep. 26:16-27:7. File readers are trained in this manner to achieve consistency across file readers, with the goal being that all readers will assign either the same score to the same file or vary by no more than one point above or below the true score. Bremen Dep. 25:1-4.

49. At no time is any individual factor ever determinative. Walker Dep. 45:5-12. And consideration of race, in the context of an entire application, can benefit any applicant, regardless of race. Ishop Aff. ¶ 5; Ishop Dep. 57:14-58:4; Walker Dep. 36:21-37:9.

50. According to the most recent inter-rater reliability analysis conducted on the file reading process in 2005, readers scored within one point of each other 88% of the time, consistent with industry standards. Lavergne Aff. ¶ 8; Lavergne Dep. 52:8-53:21.

**C. The Admissions Decision Process**

51. UT Austin admits all freshmen into a specific academic program offered by the University. Ishop Dep.

16:22-24. A student who is ultimately offered admission as a freshman in a particular academic program at UT Austin is typically admitted at one of four distinct stages in the process: (1) automatic admission to their first choice of academic program based on either the Top 10% law or a particularly high AI; (2) admission into either their first or second choice of academic program, based on their AI and PAI scores; (3) admission as an undeclared major in the College of Liberal Arts (for Texas residents and non-residents only); and (4) admission through the summer program, based on a second read of the entire application file (Texas residents only). Ishop Dep. 29:21-31:5; 44:23-45:2; 45:20-25; 46:14-47:2. Most students admitted as freshmen to UT Austin are granted admission at the first stage of the process. Ishop Dep 91:19-24.

### 1. Automatic Admission Based on Either the Top 10% Law or a High PGPA

52. A large majority of applicants who are offered admission to UT Austin are admitted based solely on class rank, pursuant to the Top 10% Law. *2008 Top 10 Report* at 9, Table 2b. For the Summer/Fall 2008 entering class, 81% of all enrolled students from Texas high schools were admitted under the Top 10% Law. *2008 Top 10 Report* at 9, Table 2b. By comparison, for the fall entering class of 1998, the first year that the Top 10% Law took effect, 41% of enrolled students from Texas high schools were admitted under the Top 10% Law. *2008 Top 10 Report* at 9, Table 2b.

53. Although the Top 10% Law requires admission only into UT Austin, and not necessarily into the

applicant's preferred academic program, many schools and colleges within UT Austin grant admission to every applicant who qualifies under the Top 10% Law and selects that school or college as his or her first choice of academic program. Ishop Aff. ¶ 7.

54. Some academic programs could fill most of their admission slots based on the first choice preferences of Top 10% applicants alone, while others, such as the School of Business, would be oversubscribed based on that population alone. Ishop Dep. 14:20-15: 32:7-14; Ishop Aff. ¶ 11. For those programs that could fill 80% or more of the space in their freshman class based on the first choice preferences of Top 10% applicants alone (known as "impacted" programs), UT Austin caps the percentage of Top 10% applicants that will be *automatically* admitted to those programs at 75% of the program's available admission slots. Ishop Dep. 14:20-15:5, 32:7-14.

55. For 2008 admissions, the School of Business, College of Communication, School of Engineering, School of Nursing, and the Kinesiology and Health Education programs within the College of Education were all considered impacted programs, and capped their automatic Top 10% admissions accordingly. Ishop Aff. ¶ 11; Ishop Dep. 32:15-19. For example, the School of Business offered automatic admission to only those Top 10% applicants who graduated within approximately the top 4% of their high school class and selected a business major as their first choice. Ishop Dep. 32:19-21. The remaining 25% of the slots were filled using the AI/PAI matrix, as described below, a process that included both Top 10% and non-Top 10% applicants. Ishop Dep. 35:4-10.

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56. In addition to those automatically admitted under the Top 10% rule, UT Austin's admissions office also establishes "A" and "C" group parameters for some colleges and schools; these parameters are used to automatically admit, or presumptively deny, applicants based on their AI alone. Ishop Aff. ¶ 12.

57. For 2008 admission, five colleges or schools admitted applicants automatically on a rolling basis if their AI exceeded a particular threshold (so-called "A" group applicants): Natural Sciences (3.5 AI); Geosciences (3.6 AI); Liberal Arts (3.9 AI); Social Work (3.6 AI); and three programs in Education (Applied Learning & Development (3.6 AI); Special Education, (3.4 AI), and Bilingual Education, (3.4 AI)). Ishop Aff. ¶12. After all admissions offers based solely on academic performance (either pursuant to the Top 10% rule or due to the applicant's high AI) were made for the Fall 2008 entering freshmen class, only 841 available admissions slots (out of a possible 10,200) remained open for Texas residents. Ishop Dep. 91: 19-21.

58. UT Austin has also established an academic "floor" below which certain applicants are deemed presumptively inadmissible (designated "C" group applicants). Ishop Aff. ¶ 12.

59. For the Fall 2008 entering freshman class, applicants with an AI of 2.599 and below were designated "C" group applicants. Ishop Aff. ¶ 12.

60. The files of "C" group applicants are reviewed by a senior admissions reader and are referred for full file

review only if the reader determines that the file warrants full review, in which case the review process proceeds in the same manner as for all other applicants. Ishop Aff. ¶ 12.

61. If a "C" group applicant is not selected for full file review, the applicant is by default assigned a set of PAI scores of "3(essay 1)-3(essay 2)-3(personal achievement)", which—in conjunction with the applicant's relatively low AI—effectively precludes admission to the freshman class. Ishop Aff. ¶ 12.

### 2. Admission Into Either First or Second Choice Academic Program Through the AI/PAI Matrix

62. Admissions slots that remain in each academic program after allotted slots are filled by those who are automatically admitted due to their Top 10% status or high AI are filled based on the applicant's combined AI and PAI scores. Ishop Aff ¶¶ 11-12; Ishop Dep. 29:18-30:14.

63. In this process, applicants are clustered into groups of applicants who share the same combination of AI and PAI scores, and each group is considered for admission based solely on those scores. A liaison (an associate or assistant director of admissions) is assigned to manage the admissions process at this stage for each academic program. Ishop Aff. ¶ 14; Ishop Dep. 30:11-17, 38:6-8.

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64. The process begins when the admissions office generates an initial AI/PAI matrix for each academic program. Ishop Aff. ¶ 14; Ishop Dep. 30:1-6.

65. On each matrix, PAI scores are plotted on the vertical left axis ascending from 1 to 6 in whole-number increments; AI scores (which are first multiplied by a factor of 100 to derive a whole number ranging from 000 to 410) are plotted on the horizontal bottom axis, starting at the far left with 410 and descending in increments of 10. The cell that represents the highest combination of AI and PAI scores is located in the top left hand corner of the matrix, and the lowest combination can be found in the bottom right hand corner. The 2008 Top Ten Report includes the following sample illustration of the AI/PAI matrix (or "decision grid"):

*2008 Top 10 Report* at 3.

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66. Each cell on the matrix contains a number representing the total number of applicants who share that particular combination of AI and PAI scores. Ishop Dep. 31:7-11; 62:24-63:3.

67. Every academic program's initial matrix is populated by only those applicants who selected that program as their first choice. Ishop Dep. 30:1-6.

68. The liaison then makes an initial determination as to which cells are likely to be admitted, taking into consideration (1) the number of available spaces left in the program, (2) the number of applicants in each cell, and (3) the desire to admit those with the highest combinations of AI and PAI scores. Ishop Dep. 42:2-43:4; 87:17-89:10. Liaisons have discretion as to where to draw the initial decision line, applying these considerations. Ishop Dep. 43:19-20.

69. Starting with the cell in the top left hand corner reflecting the highest combination of AI and PAI scores, each liaison adds adjacent cells based on these considerations until enough cells have been tentatively considered for admission to fill the remaining slots in each program. Ishop Aff. ¶ 14. This results in a "stair-step" decision line on the matrix, as seen in the following example from the class of Fall 2008:

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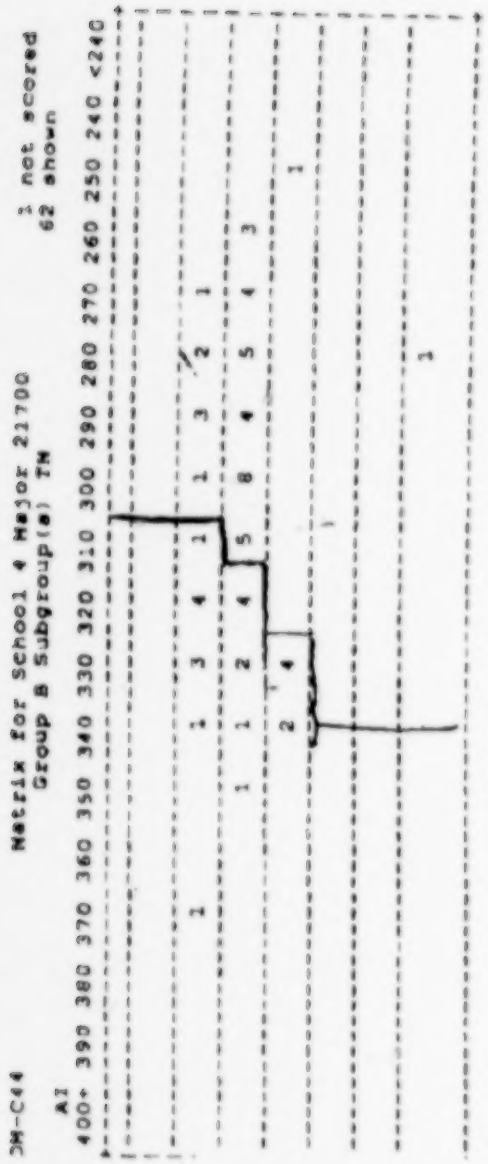


Ishop Aff. ¶ 14 at Ex. B. After the initial decision line is drawn, all cells above the line are tentatively considered for admission. Ishop Aff. ¶ 14.

70. At the conclusion of this initial stage, any applicant who does not fall within one of the cells tentatively considered for admission into their first choice of academic program may now be considered for admission into their second choice program. Ishop Dep. 44:17-25. This is accomplished by updating every program's matrix so that each cell now represents the total number of applicants with that particular combination of AI and PAI scores who have designated that program as either their first choice or (for those students not tentatively admitted to their first-choice program) their second choice. Ishop Dep. 44:23-45:10.

71. Adding these second choice applicants to the matrix will, for many programs, increase the total number of students that fall within one of the cells that have been tentatively considered for admission, and exceed the number of slots available in that particular program. Ishop Aff. ¶ 14. When that occurs, each liaison must manage program enrollment by adjusting the initial set of cells considered for admission to match the available number of slots, again taking into consideration the desire to admit those with the highest combination of AI and PAI scores. Ishop Aff. ¶ 14.

72. Each program's matrix is then updated again to reflect the availability of any new second choice applicants that emerge from this adjustment process. Ishop Aff. ¶ 14. At the conclusion of this second round, each liaison makes a final determination of which cells to admit to each program, and all applicants who fall within any of those cells are accordingly deemed admitted. Ishop Aff. ¶ 14.

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### 3. Admission as an Undeclared Major in Liberal Arts (Texas Residents and Non-Residents Only)

73. Any remaining Top 10% applicants not admitted into either their first- or second- choice program are offered admission as an undeclared major in the College of Liberal Arts. Ishop Dep. 14:11-19; 50:15-19. This compliance process typically exhausts most of the remaining slots for admission. Ishop Dep. 49:13-14; 50:18-19.

74. When admissions decisions were made for the Fall 2008 semester, only 186 admissions slots remained available in the College of Liberal Arts undeclared major program for Texas residents after automatically admitting all Top 10% applicants and those applicants with a sufficiently high AI (3.9 and above). Ishop Aff. ¶ 14.

75. To fill these remaining slots in the College of Liberal Arts, an AI/PAI matrix is created and populated with those Texas resident applicants who failed to gain admission to either their first- or second- choice academic programs. Ishop Aff. ¶ 14. The admissions office then draws the stair-step admission line on this matrix to capture the number of applicants necessary to complete the fall entering class and offers these applicants admission as an undeclared major in the College of Liberal Arts. Ishop Dep. 6:2-23; Ishop Aff. ¶ 14.

76. At this point, all remaining applicants not yet offered admission who are not Texas residents are denied admission. Ishop Aff. ¶ 15; Ishop Dep. 47:2-5.

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**4. Admission to Summer and CAP Programs (Texas Residents Only)**

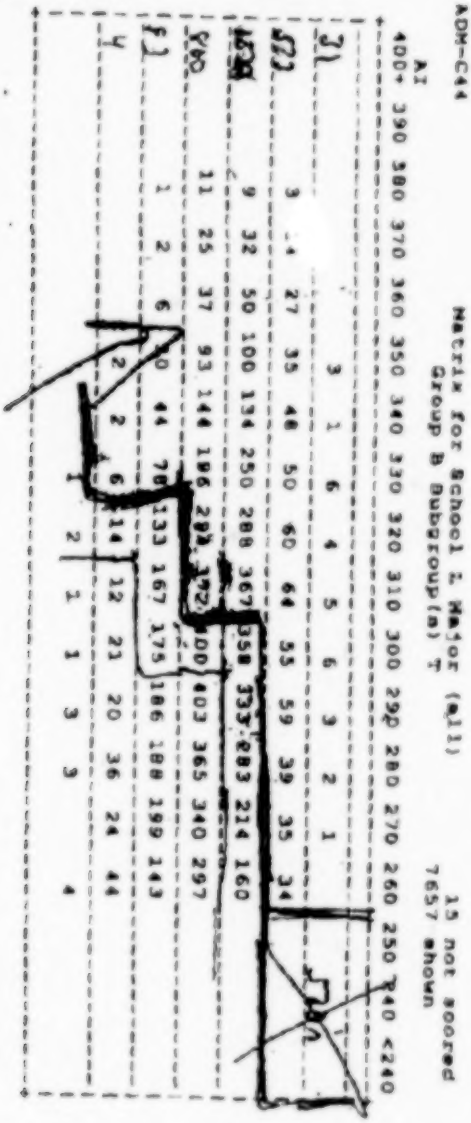
77. UT Austin has developed a summer program that allows an additional group of Texas residents to be admitted to the University, provided that they are willing to begin their coursework early, during the summer months immediately preceding the beginning of the fall semester. Ishop Aff. ¶ 15.

78. Any Texas resident who fails to gain admission to the fall semester freshman class will either be offered admission to UT Austin as a freshman through the Summer Freshman Class program, or can qualify for a transfer to UT Austin after her freshman year provided that she complies with the terms of the Coordinated Admissions Program ("CAP"). Ishop Aff. ¶ 15.

79. To determine who will be offered admission through the summer program, a group of senior admissions staff members give a second read to the entire file of those Texas residents who narrowly failed to gain fall admission as an undeclared major in the College of Liberal Arts based on their AI and PAI scores. Ishop Aff. ¶ 15; Ishop Dep. 47:8-48:25.

80. In 2008, 3,029 applicants were granted a second read based on having AI and PAI scores just below those admitted for the fall semester under the third stage of the admissions process. Ishop Aff. ¶ 15. Specifically, the applicants granted this second read were those with the highest combination of AI/PAI scores that remained on the AI/PAI matrix for the College of Liberal Arts, undeclared major, after all admissions decisions for Fall 2008 were

made. Ishop Aff. ¶ 15. The following is the "second read" matrix for the Fall 2008 admission cycle (with the arrow pointing to that side of the stair-step line that was granted a second read):



Ishop Aff. ¶ 15 at Ex. C. Of the 3,029 applicants granted a second read, approximately half were offered admission into the Summer Freshman Class program. Ishop Aff. ¶ 15.

81. Any Texas resident applicant not offered admission as a freshman to either the Fall or Summer programs may qualify for a transfer to UT Austin through CAP. Ishop Aff. ¶ 15. Any student who accepts the offer of CAP admission may transfer into UT Austin after their freshman year if they have completed 30 approved credit hours at a participating UT System campus and have maintained a GPA of at least 3.2 at that school. Ishop Aff. ¶ 15.

**D. The Admissions Process after *Grutter***

82. The precise methodology by which UT Austin compares applicants with others of the same residential status and preferred academic program has undergone a certain amount of change over the past 15 years as a result of court decisions, legislation, and University policy. *2008 Top 10 Report* at 2, 4.

83. The core elements of UT Austin's admissions process have remained largely constant since the entering class of 1997, when UT Austin began using the AI/PAI system. Walker Dep. 11:15-19; *2008 Top Ten Report* at 4.

84. Beginning with applicants for the Fall 2005 entering class, and following the U.S. Supreme Court's June 2003 ruling in *Grutter v. Bollinger*, 539 U.S. 306 (2003), UT Austin added race as an element considered

in undergraduate admissions; however, it did so under the existing four-stage admissions process described above. Ishop Dep. 54:19-21; Ishop Aff. ¶ 4.

85. Prior to 1997, UT Austin's undergraduate admissions policy focused primarily on an applicant's class rank and SAT or ACT score. *2008 Top 10 Report* at 2. UT Austin also utilized an affirmative action admissions policy designed to increase enrollment of minority students, particularly African-American and Hispanic students. Ishop Dep. 54:8-14.

86. In *Hopwood v. Texas*, 78 F.3d 932 (5th Cir.), *cert. denied*, 518 U.S. 533 (1996), the Fifth Circuit prohibited UT Austin from considering race in any manner in admissions. In response to that decision, UT Austin changed its undergraduate admissions program by ceasing the use of race as a factor in admissions and adding a holistic evaluation of applicants. *2008 Top 10 Report* at 4.

87. Applicants for the eight entering classes between 1997 and 2004 were evaluated using the AI/PAI system, without any consideration of race. Walker Dep. 11:15-19; *2008 Top Ten Report* at 4.

88. The only substantive difference between the AI/PAI system in place from 1997 to 2004 and the AI/PAI system in place today is that, starting with applications for the 2005 entering class, UT Austin authorized its admissions reviewers to consider race or ethnicity in their holistic determination of an applicant's personal achievement score. Walker Dep. 30:23-31:1; *2008 Top Ten Report* at 4.

89. UT Austin adopted this change in response to the decision of the U.S. Supreme Court in *Grutter v. Bollinger*, 539 U.S. 306 (2003), which upheld the University of Michigan's use of race as a factor in its law school admissions program and abrogated the *Hopwood* decision. *2008 Top Ten Report* at 4.

90. Following the *Grutter* decision, the Board of Regents of the University of Texas System adopted a resolution authorizing each System campus to consider whether or not to alter their admissions policies in light of *Grutter*. Walker Aff. ¶ 8, 9.

91. Pursuant to that resolution, UT Austin convened a group of admissions staff, professors, and lawyers to consider whether and how its admissions policies should be modified in response to *Grutter*. Walker Aff. ¶ 10.

92. As a part of its consideration, UT Austin considered whether or not the campus and—of critical importance, the classrooms—had a critical mass of underrepresented minorities (that is, Hispanic and African Americans). Walker Dep. 18:9-13; 19:17-20:15. The University also conducted a study, the results of which were cited in a report in November 2003, that examined the presence or absence in undergraduate classrooms of students from the four most prevalent racial/ethnic groups on campus (White, African-American, Asian, and Hispanic). Walker Aff. ¶ 11; "*Diversity Levels of Undergraduate Classes at the University of Texas at Austin, 1996-2002*" (the "*Diversity Study*"), Lavergne Aff. Ex. B. The results of the Diversity Study showed

that, in 2002, in the classes in the category that UT Austin considers most relevant for examining student participation and interaction (i.e., classes with 5-24 students), 90% had one or zero African-American students, 46% had one or zero Asian-American students, and 43% had one or zero Hispanic students. Walker Aff. ¶ 11; *Diversity Study* at 8 (Table 3); *2004 Proposal* at 26, Table 8. Based on this study, UT Austin concluded that it had not attained a critical mass of underrepresented minorities. Walker Aff. ¶ 11; *2004 Proposal* at 24-25. Because critical mass is a necessary (but not sufficient) condition of achieving diversity, UT Austin further concluded, based on the study, that the educational benefits of a diverse student body were not being provided to all the University's undergraduate students. Walker Aff. ¶ 11; Walker Dep. 18:11-13; *2004 Proposal* at 25. In making this determination, the University did not set a specific numeric goal for critical mass. Walker Dep. 18:19-19:3. Rather, officials discovered when talking with students that minority students still felt isolated in the classroom and a majority of undergraduates believed there was no diversity in the classroom. Walker Aff. ¶ 12; Walker Dep. 21:6-12.

93. After several months of study and deliberation, including retreats, interviews, review of data of diversity in the classroom, and other factors, UT Austin decided to authorize the consideration of race in its undergraduate admissions policy. Walker Aff. ¶¶ 10-13.

94. On June 25, 2004, UT Austin internally circulated a document entitled "Proposal to Consider Race and Ethnicity in Admissions." *2004 Proposal* at 1. The

document proposed the limited use of race in admissions at UT Austin and expressed the University's "intent to comply with the law as expressed in the decisions of the United States Supreme Court in the cases of *Grutter v. Bollinger*, 123 S.Ct. 2325 (2003), and *Gratz v. Bollinger*, 123 S.Ct. 2411 (2003)." *2004 Proposal* at 1.

95. In August 2004, after almost a year of deliberations, the UT System approved a revised admissions policy for UT Austin that included an applicant's race in the list of special circumstances that reviewers can consider in determining the applicant's personal achievement score. Walker Aff. ¶ 14.

96. This change took effect starting with applications for the freshman entering class for Fall 2005. Ishop Aff. ¶ 4. As a practical matter, this meant that: (1) an applicant's race (if reported by the applicant) was now included on the application file; and (2) readers were now taught to include race, but only in the same manner as any other special circumstance. Walker Aff. ¶ 15.

97. Like every other component of an application, race alone does not determine any applicant's personal achievement score. Bremen Dep. 44:15-19, 59:14-25; Ishop Dep. 19:20-20:3; Walker Aff. ¶ 15.

98. File readers are trained to consider race in conjunction with an applicant's demonstrated sense of cultural awareness. Bremen Dep. 40:24-41:22, 60:16-19. Depending on the content of the application, race can positively impact the holistic evaluation of any applicant,

including Caucasian applicants, or may have no impact whatsoever. Ishop Dep. 57:2-12; Bremen Dep. 32:7-19; Walker Dep. 36:3-37:6.

99. An applicant's race is considered only to the extent that the applicant, viewed holistically, will contribute to the broader vision of diversity desired by UT Austin. Ishop Dep. 55:2-11.

100. No admissions officer or anyone else at UT Austin monitors the racial or ethnic composition of the group of admitted students at any time during the admissions process in order to consider whether an applicant will be admitted. Ishop Aff. ¶ 17.

101. As an internal practice, the UT Austin admissions office informally reviews its various admissions procedures each year. Walker Aff. ¶ 16. Additionally, UT Austin's undergraduate admissions policy requires periodic, formal review of the use of race. Walker Aff. ¶ 16; *2004 Proposal* at 6, 32. Every five years, the admissions process for the freshman class is reviewed to assess whether consideration of race is necessary to create a diverse student body, or whether race-neutral alternatives exist that are able to achieve the same results. *2004 Proposal* at 32. The first formal review is scheduled to begin in Fall 2009. *2004 Proposal* at 32.

**II. Race-Neutral Recruitment and Outreach Efforts**

102. Following the *Hopwood* decision in 1996, UT Austin began using a number of race-neutral recruitment

efforts, aimed at improving the overall diversity of its student body, that remain in place today. Affidavit of Michael K. Orr, executed February 20, 2009 ("Orr Aff."), attached at Tab 9, ¶¶ 3-21; Deposition of Michael Orr, taken October 6, 2008 ("Orr Dep.") 20:19-21:5 (cited excerpts attached at Tab 4).

103. In addition, UT Austin has made substantial efforts to increase the quantity and quality of services provided to all prospective students. Orr Aff. ¶¶ 3-21; Orr Dep. 20:19-21:5.

**A. Scholarship Programs**

104. UT Austin created the Longhorn Opportunity Scholarship ("LOS") program after the *Hopwood* decision in 1996. Orr Aff. ¶ 7; Orr Dep. 12:11-16. The LOS program identifies high schools in underserved communities with historically few UT matriculates and provides a guaranteed number of scholarships to the Top 10% applicants who graduate from those schools. Orr Aff. ¶ 7. The scholarships are intended to increase the number of Top 10% students from these historically underrepresented schools who choose to come to UT Austin. Orr Aff. ¶ 7.

105. UT Austin originally identified 39 high schools as LOS schools, based on criteria such as students' average socioeconomic status, population of first-generation students, and the percentage of students that send test scores to UT Austin. Orr Dep. 11:25-12:5. There are currently 69 schools that UT Austin identifies as LOS schools. Orr Aff. ¶ 7.

106. In addition to the LOS program, UT Austin initiated two other scholarship programs following the *Hopwood* decision in 1996. The Presidential Achievement Scholarship ("PAS") is a need-based scholarship that is based on a student's family income, high school characteristics, and the student's academic performance relative to others in that high school. Orr Aff. ¶ 6; Orr Dep. 15:17-23. Finally, the First Generation Scholarship Program provides need-based scholarships to students who would be the first in their family to attend college. Orr Aff. ¶ 9; Orr Dep. 17:15-18.

107. These scholarship programs are aimed at helping enable qualified students from lower socioeconomic backgrounds to attend UT Austin. Orr Dep. 18:1-12, 19:15-20. They are not limited to minority students. Orr Dep. 20:13-15; 21:8-22:9.

108. From 1997 to 2007, UT Austin awarded $59 million in scholarships, with another $20 million of tuition waivers awarded. Orr Aff. ¶ 10. In 2007, UT Austin awarded $5.8 million through the PAS and LOS scholarships alone. Orr Aff. ¶ 10.

**B. Regional Admissions Centers**

109. Starting in 1996, UT Austin's annual recruitment budget was increased by $500,000. Orr Aff. ¶ 12.

110. Since then, UT Austin has established three new regional admissions centers in addition to the existing centers in Houston: Dallas (2000), San Antonio (2005),

and Harlingen (2007). Orr Aff. ¶ 12; Orr Dep. 15:2-14. The purpose of these centers is to increase UT Austin's visibility and interaction with prospective students, parents, and high school administrators within their respective geographic markets. Orr Aff. ¶ 12.

111. The centers provide a location to host receptions and information sessions about the admissions process, and serve as a home base for counseling staff. Orr Dep. 13:19-24.

112. Staff in these regional admissions centers have helped coordinate more than 1,000 College Day/Night events held at high schools across the state. Orr Aff. ¶ 12. Additionally, these centers coordinated approximately 1,000 day visits to high schools statewide to encourage prospective Top 10% students to apply and enroll at UT Austin. Orr Aff. ¶ 12.

### C. Other Significant Programs and Events

113. UT Austin holds as many as 5 annual "Longhorn Lock-In" events, which are overnight visits to UT Austin for prospective students. Orr Aff. ¶ 17. These events serve prospective students from targeted high schools in the Dallas, San Antonio, Houston, and Rio Grande Valley areas. Orr Aff. ¶ 17.

114. As part of its UT Scholars program, UT Austin organizes overnight campus visits for admitted scholarship recipients from Dallas, Houston, San Antonio,

the Rio Grande Valley, and central Texas. Orr Aff. ¶ 18. More than 300 students participate annually. Orr Aff. ¶ 18.

115. UT Austin conducts three "Longhorn for a Day" campus visit programs for prospective students from Dallas, San Antonio, Laredo, and Houston. Orr Aff. ¶ 19. Over 150 students participate annually. Orr Aff. ¶ 19.

116. UT Austin annually hosts four "Longhorn Saturday" events on campus for prospective students and their families. Orr Aff. ¶ 20. This program has hosted more than 3,000 individuals and a related program, called "Rise and Shine," has hosted over 1,200 persons. Orr Aff. ¶ 20. Registration and attendance at both events is open to all. Orr Aff. ¶ 20.

117. UT Austin also holds an annual program called the Honors Colloquium that brings 500-600 students for a three-day campus visit during the summer. Orr Dep. 23:9-15.

118. UT Austin hosts an annual, multi-day conference on campus for high school counselors called "Counselors Colloquium" to focus attention on the University. This program is offered at no cost for those who could not otherwise afford to attend, in order to ensure broad representation of high school counselors. Orr Aff. ¶ 21.

*Appendix N*

Respectfully submitted,

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## APPENDIX O — AFFIDAVIT OF KEDRA B. ISHOP, FILED FEBRUARY 23, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**CIVIL ACTION NO. 1:08-CV-00263-SS**

ABIGAIL NOEL FISHER, and
RACHEL MULTER MICHALEWICZ,

*Plaintiffs,*

v.

UNIVERSITY OF TEXAS AT AUSTIN, et al.,

*Defendants.*

### AFFIDAVIT OF KEDRA B. ISHOP

**THE STATE OF TEXAS**

**COUNTY OF TRAVIS**

BEFORE ME, the undersigned authority, personally appeared KEDRA B. ISHOP, who, being by me duly sworn, upon her oath stated:

*Appendix O*

1. My name is Kedra B. Ishop. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated in it. I make this affidavit in support of Defendants' Motion for Summary Judgment and in opposition to Plaintiffs' Motion for Summary Judgment. I have previously submitted an affidavit in this matter in connection with Plaintiffs' application for a Preliminary Injunction. To the extent that any statistics in this affidavit conflict with statistics in that prior affidavit or provided during my deposition, it is because, at those times, the University of Texas at Austin did not have full information on the total applicants, admitted applicants, and enrolled students; that information was not finalized until late October 2008.

2. I have been employed in the Office of Admissions at the University since 1998 and have held the position of Associate Director of Admissions since 2003. As part of my job duties I participate directly in all facets of the admissions process at the University. In particular I was very involved in all aspects of the 2008 admissions process, which included the applications of Ms. Fisher and Ms. Michalewicz, who are plaintiffs in a suit filed against the University of Texas at Austin. I have reviewed the admissions files of both Ms. Fisher and Ms. Michalewicz. Ms. Fisher and Ms. Michalewicz applied for admission as residents of Texas who were not eligible for automatic admission under House Bill 588 ("HB 588," also known as the "Top Ten Percent Law"). They did not apply to any special programs within the university, such as Plan II honors or majors in Fine Arts that have a portfolio requirement.

3. The review of admissions applications involves the calculation of an academic index ("AI") which is derived from the calculation of a predicated grade point average ("PGPA") (produced via a multiple regression equation) and a curriculum-based bonus point ("units plus"). SAT/ACT scores and class rank are used to determine an applicant's PGPA. If the applicant took more than UT Austin's minimum high school coursework requirements in at least two of three designated subject areas, a bonus of 0.1 points ("units plus") is added to the PGPA to produce the student's AI. The maximum AI that a student can obtain under this system is a 4.1, which correlates to an AI on the admission decision matrix (explained below in paragraph 14) of 410.

4. The Admissions office also determines a Personal Achievement Index ("PAI") for each applicant. The PAI is UT's holistic evaluation of an applicant. Applicants are required to submit two essays. A true and correct copy of a list of UT Austin's essay topics for the 2008 freshman class is attached as Exhibit A. Applicants may choose to submit an optional third essay detailing special circumstances; a resume or detailed listing of extracurricular activities, honors, awards, work experience and service; and letters of recommendation. In addition to encompassing the two required essays, the PAI reflects UT's evaluation of the applicant's demonstrated leadership qualities, extracurricular activities, honors and awards, work experience, community service, and special personal circumstances. The special personal circumstances considered include: the socioeconomic status of the applicant's family and

school, whether the applicant is from a single-parent home, whether languages other than English are spoken at the applicant's home, the applicant's family responsibilities, and (starting with the fall class of 2005) the applicant's race. Other than the scores each of the two required essay receives, no numerical value is ever assigned to any of the individual components that make up the PAI. Further, because race is a factor considered in the context of each applicant's entire file, it may be a beneficial factor for minorities or non-minorities alike, depending on the applicant's unique circumstances. Applicants may also choose to answer questions or present information related to other special circumstances to be considered in the evaluation of their file.

5. Each required essay is read and scored according to a scale of 1-6 by one of twenty-two specially trained essay readers, who read and score the essays based on the quality of the writing. Then, the entire application, including the required essays and any supplemental information provided by the applicant (i.e. letters of recommendation, the optional essay, and resume) is reviewed and assigned a "personal achievement score" (or "leadership score") on a scale of 1-6. Full files are read by one of twenty-three specifically trained PAI senior readers. From the three scores—the two essay scores and the personal achievement score—a PAI is computed. The personal achievement score is given slightly more weight than the essays in the calculation.

6. The purpose of reading entire admissions files is to determine the PAI. The "whole file" readers are

not making admissions decisions at this point of the review, but are simply assigning a PAI score. Nor is the file reader making a judgment regarding academic strength when determining the PAI, as that is accounted for in the applicant's AI.

7. Undergraduate admissions decisions are made for 11 Colleges and Schools within the University. Three competitive pools exist: Texas residents, non-residents (that is, applicants residing within the United States but outside Texas), and foreign students. Admission decisions for Texas and non-resident applicants are made by the admissions office liaison to each college or school. Foreign admission decisions are made by admissions staff in the Graduate and International admissions office. Applicants are separated into these three pools and they compete only against others in that pool for admission. The vast majority of admitted Texas residents are offered admission based on either class rank or AI alone, without any consideration of the PAI. Although HB 588 requires admission only into UT Austin, and not necessarily into an applicant's preferred academic program, many schools and colleges within the University grant admission to every applicant who qualifies under the Top 10% Law and selects that school or college as his or her first choice of academic program.

8. For six colleges/schools—Liberal Arts, Social Work, Nursing, Business, Communications, and Geosciences—admissions decisions are made at the college/school level. The AI/PAI requirements for entry into these academic programs are the same regardless of the major admitted to within the college/school.

9. For three colleges/schools, admissions decisions are made for specific majors per our enrollment management principles. College of Natural Sciences admissions decisions are made for two groups: the Computer Science major and all other Natural Sciences majors. College of Education admissions decisions are made for kinesiology, special education, bilingual education, and general education. College of Engineering admissions decisions are made for architectural, aerospace, electrical and computer, chemical, civil, mechanical, and petroleum engineering.

10. Decisions for the remaining two schools, the School of Fine Arts and the School of Architecture, are made within the Dean's offices of those schools and in consultation with the admissions office.

11. The admissions process begins by establishing automatic admissions cut-offs for individual colleges and schools. Some academic programs could fill most of their admission slots based on the first choice preferences of Top 10% applicants alone, while others, such as the School of Business, would be oversubscribed based on that population alone. To address this, the University has established a policy that allows these Top 10% "impacted" programs to restrict the percentage of their class that is automatically admitted under HB 588. For admission to the 2008 freshman class, Business, Communications, Nursing, Kinesiology, and each major in Engineering restricted spaces offered automatically under HB 588 to no more than 75% of their program. Fine Arts and Architecture do not grant HB 588 automatic admission.

12. The admissions office also establishes "A" group and "C" group parameters for some colleges/schools based solely on an applicant's AI, without consideration of an applicant's PAI. In 2008, five colleges/schools had "A" groups for the entering class of 2008: Natural Sciences (3.5 AI), Geosciences (3.6 AI), Liberal Arts (3.9 AI), Social Work (3.6 AI), and three programs in Education (Applied Learning & Development (3.6 AI); Special Education (3.4 AI) and Bilingual Education (3.4 AI)). "A" group applicants are those who have high AIs and who are offered admission based solely on their AI. The exceptional academic strength of these applicants determines their earlier (rolling) admission, allowing the admissions office to offer earlier admittance to these highly competitive students. "C" group applicants are those whose AI has typically rendered their admissions chances highly unlikely. All applicants with an AI of 2.599 and below are considered "C" group applicants. The file of each "C" group applicant is reviewed by a senior admissions reader, who will refer the applicant for a full file review if warranted from the contents of the file. If referred for a full file review, the review process is the same as the review of any other applicant. If not referred for full file review, the file is assigned scores of 3 (essay 1), 3 (essay 2), and 3 (personal achievement or leadership) which—in conjunction with the applicant's low AI score—effectively precludes admission. After all admissions offers based solely on academic performance (either pursuant to the Top 10% rule or due to the applicant's high AI) were made for the Fall 2008 freshmen class, only 841 available admissions slots (out of a possible 10,200) remained open for Texas Residents.

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13. Early on in each year's admissions process, UT Austin conducts training sessions for essay and full file readers, led by faculty member Brian Bremen, a recognized national expert in holistic reading. For the entering class of 2008, 45 readers participated in essay or full file review. The reading process began in mid-October 2007 and ended in the third week of February 2008. Four full months of reading were required to review 17,131 files.

14. The process of admission into particular programs outside of the automatic admissions begins when the admissions office generates an initial AI/PAI matrix for each academic program. On each matrix, PAI scores are plotted on the vertical left axis ascending from 1 to 6 in whole-number increments; AI scores (which are first multiplied by a factor of 100 to derive a whole number ranging from 000 to 410) are plotted on the horizontal bottom axis, starting at the far left with 410 and descending in increments of 10. Thus, the cell that represents the highest combination of AI and PAI scores is located in the top left-hand corner of the matrix, and the lowest combination can be found in the bottom right-hand corner. All applicants with the same AI and PAI combination will be placed in the same cell on the matrix. Following the completion of file review, the admissions office liaisons for the three most "impacted" academic programs—Business, Communications, and Engineering—meet to begin the admission and "cascade" process. The number of applicants within each cell in the matrix guides the liaison making admissions decision as he/she decides where to establish the cut-off for

admits and cascades. An example of a working document matrix is attached as Exhibit B. On that matrix, you can see where the liaison has drawn the "stair step" admit line at that point in time. When the line is drawn to tentatively establish the admitted cells, the remaining applicants (i.e., those located in the cells that fall below the admit line) are "cascaded" to the matrix for their second choice academic program, where the process begins again. Adding these "cascaded" applicants to a matrix will, for many programs, increase the total number of students that fall within one of the cells that had already been tentatively considered for admission. When that occurs, each liaison must manage program enrollment by adjusting the initial set of cells considered for admission to match the available number of admissions slots, again taking into consideration the desire to admit those applicants with the highest combination of AI and PAI scores. At the conclusion of this second round, each liaison makes a final determination of which cells to admit to each academic program, and all applicants who fall within any of the cells above the line drawn on the matrix are accordingly deemed admitted. This "admit and cascade" process occurs for all academic programs until all applicants not admitted to their first- or second-choice academic program are cascaded to the matrix for Liberal Arts, undeclared major, the default, third-choice program for all applicants. When admissions decisions were made for the Fall 2008 semester, only 186 admissions slots remained available for Texas residents in the College of Liberal Arts, undeclared major, academic program after automatically admitting all Top 10% applicants and those applicants with a sufficiently

high AI score. To fill these 186 remaining slots in the College of Liberal Arts, an AI/PAI matrix was created and populated with those Texas resident applicants who failed to gain admission to either their first- or second-choice academic programs. The admissions office then drew the stair-step admit line on this matrix to capture the number of applicants necessary to complete the fall entering class and offered these applicants admission as an undeclared major in the College of Liberal Arts.

15. If a non-resident applicant is not admitted for their first- or second-choice academic program or into the Liberal Arts, undeclared major, the applicant is denied admission. Texas residents, however, are given further consideration. Specifically, UT Austin has developed a summer program (called the "Summer Freshman Class") that allows an additional group of Texas residents to be admitted to the University, provided that they are willing to begin their coursework early, during the summer months immediately preceding the beginning of the fall semester. If a resident applicant is not admitted but fell within a cell on the final Liberal Arts, undeclared major, matrix close to applicants who were admitted, the applicant's file is re-read by a senior reader. During this second read, the admissions officers are not bound by the applicant's AI/PAI scores. For admission into the 2008 freshman class, 3,029 applicants were granted a second read based on having AI and PAI scores just below those admitted for the fall semester under the third stage of the admissions process. Specifically, the applicants granted this second read were those with the highest combination of AI/PAI scores that remained

on the AI/PAI matrix for the College of Liberal Arts, undeclared major, after all admissions decisions for fall 2008 were made. A true and correct copy of the "second read" matrix for the fall 2008 admission cycle (with the arrow pointing to that side of the stair-step line that was granted a second read) is attached as Exhibit C. Based on this second reading, the reader decides whether to admit the applicant to the fall semester (a rare occurrence), to the Summer Freshman Class, or to the Coordinated Admission Program ("CAP"). CAP allows students to transfer to the University of Texas at Austin after completing the CAP terms, including 30 approved credit hours their freshman year at a participating System campus and maintaining at least a 3.2 GPA. Of the 3,029 applicants granted a second read for fall 2008, approximately half were offered admission into the Summer Freshman Class program; the rest were offered admission to CAP. All Texas residents who apply to UT Austin by the application deadline are at least offered the option of participating in the CAP program, through which they can be admitted into the University of Texas at Austin.

16. The admissions process for the entering class of 2008 was an unprecedented experience. At the point of the admissions process in which admissions decisions began to be made based on the AI/PAI matrices, 92% of the admissions spaces available for Texas residents had already been awarded to Top 10% applicants. More specifically, only 841 admission slots remained available University-wide for the fall semester after accounting for all Top 10% and 'A' group automatic admits.

17. No admissions officer or anyone else at UT Austin monitors the racial or ethnic composition of the group of admitted students at any time during the admissions process in order to consider whether an applicant will be admitted.

18. As previously discussed, the impact of HB 588 automatic admission was significant for the entering class of 2008. Given the lack of space available in the fall freshman class due to the Top 10% Plan, it is accurate to say that, based on their high school class rank and test scores, neither Ms. Fisher nor Ms. Michalewicz could have gained admission through the fall review process. Ms. Fisher had a Liberal Arts AI of 3.1 and a Business AI of 3.1. Ms. Fisher's Liberal Arts AI of 3.1 reflects the sum of her Liberal Arts PGPA (3.093) plus the "units plus" bonus of 0.1 for exceeding UT Austin's minimum high school coursework requirements. Ms. Fisher's Business AI of 3.1 reflects the sum of her Business PGPA (3.038) plus the "units plus" bonus of 0.1. Ms. Michalewicz had a Liberal Arts AI of 3.3 and a Business AI of 3.2. Ms. Michalewicz's Liberal Arts AI of 3.3 reflects the sum of her Liberal Arts PGPA (3.234) plus the "units plus" bonus of 0.1 for exceeding UT Austin's minimum high school coursework requirements. Ms. Michalewicz's Business AI of 3.2 reflects the sum of her Business PGPA (3.123) plus the "units plus" bonus of 0.1. These AI's were not high enough to gain admission to either Business or Liberal Arts for fall 2008. Because of the lack of space beyond Top 10% automatic admits for the fall freshman class, all applicants who cascaded to the Liberal Arts, undeclared major, matrix were only eligible for Summer

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Freshman Class or CAP admission, unless their AI exceeded 3.5. Consequently, even if Ms. Fisher and Ms. Michalewicz had each received a "perfect" PAI score of 6, neither would have received an offer of admission to the freshman entering class of fall 2008.

/s/
Kedra B. Ishop

## APPENDIX P — EXHIBIT A TO AFFIDAVIT OF KEDRA B. ISHOP, "TOPICS AND TIPS FOR WRITING YOUR ADMISSION ESSAYS"

### Topics and tips for writing your ADMISSION ESSAYS

To be complete, your application must include at least two essays. Most students should submit personal essays A and B. However, if you're applying to an honors program, a major with special requirements, or for scholarships, you may need to submit additional or different essays.

### Essay Topics

**A Personal Essay 1 (if applying for summer/fall 2008 & beyond)**

Write an essay in which you tell us about someone who has made an impact on your life and explain how and why this person is important to you.

Submit online

**B Personal Essay 2 (if applying for summer/fall 2008 & beyond)**

Choose an issue of importance to you—the issue could be personal, school related, local, political, or international in scope—and write an essay in which you explain the significance of that issue to yourself, your family, your community, or your generation.

Submit online

D Submit this essay in place of Essay A when applying for admission to architecture, art history, pre-design, studio art, or visual art studies/art education.

**Major-specific essay (if applying for summer/fall 2008 & beyond)**

Personal interaction with objects, images and spaces can be so powerful as to change the way one thinks about particular issues or topics. For your intended area of study (architecture, art history, design, studio art, visual art studies/art education), describe an experience where instruction in that area or your personal interaction with an object, image or space effected this type of change in your thinking. What did you do to act upon your new thinking and what have you done to prepare yourself for further study in this area?

Submit online

**Optional Essay**

In addition to the two required essays, some applicants choose to submit a response to Essay C. Essay C is optional and cannot be submitted in place of a required essay. Students submitting Essay C do so in order to submit additional information to the university about special circumstances.

*Appendix P*

Special Circumstances: Essay C

There may be personal information that you want considered as part of your admissions application. Write an essay describing that information. You might include exceptional hardships, challenges, or opportunities that have shaped or impacted your abilities or academic credentials, personal responsibilities, exceptional achievements or talents, educational goals, or ways in which you might contribute to an institution committed to creating a diverse learning environment.

# APPENDIX Q — EXHIBIT B TO AFFIDAVIT OF KENDRA B. ISHOP, "MATRIX FOR SCHOOL 4 MAJOR 21700"

## APPENDIX R — AFFIDAVIT OF GARY M. LAVERGNE, DATED FEBRUARY 19, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CIVIL ACTION NO. 1:08-CV-00263-SS

ABIGAIL NOEL FISHER, and
RACHEL MULTER MICHALEWICZ,

*Plaintiffs,*

v.

UNIVERSITY OF TEXAS AT AUSTIN, et al.,

*Defendants.*

### AFFIDAVIT OF GARY M. LAVERGNE

**THE STATE OF TEXAS**

**COUNTY OF TRAVIS**

BEFORE ME, the undersigned authority, personally appeared Gary M. Lavergne, who, being by me duly sworn, upon his oath stated:

1. My name is Gary M. Lavergne. I am over 18 years of age, of sound mind, capable of making this affidavit,

and personally acquainted with the facts stated in it. I make this affidavit in support of Defendants' Motion for Summary Judgment and in opposition to Plaintiffs' Motion for Summary Judgment. I have previously submitted affidavits in this matter in connection with Plaintiffs' application for a Preliminary Injunction. To the extent that any statistics in this affidavit conflict with statistics in that prior affidavit or provided during my deposition, it is because, at those times, the University of Texas at Austin did not have full information on the total applicants, admitted applicants, and enrolled students; that information was not finalized until late October, 2008.

2. I am currently employed full-time by the University in the Office of Admissions. My current official job classification is Program Manager. My job responsibilities include, but are not limited to, research and policy analysis. In this position I am required to access and analyze data related to admissions and enrollment and other related statistics. I have held this position since September 1, 2000.

3. My job duties include access to the data maintained by UT Austin even prior to my tenure at the University. A publication that comes within my area of responsibility, and which contains the University's official data for the 1996 freshman applied, admitted and enrolled data, is *Implementation and Results of the Texas Automatic Admissions Law, Volume 1.* A true and correct copy of that document is attached as Exhibit A.

4. I am also responsible for performing analysis as required by the University or the Legislature. In

November 2003, the University published a study relating to diversity in the classroom. I analyzed the University's data and compiled that report, called *Diversity Levels of Undergraduate Classes at the University of Texas at Austin, 1996-2002.* A true and correct copy of that document is attached as Exhibit B.

5. My job duties include access to the datasets used to develop a series of annual reports commonly called the "Top 10% Reports" and commonly cited as *Implementation and Results of the Texas Automatic Admissions Law (HB 588) at the University of Texas at Austin.* A true and correct copy of the "Implementation and Results of the Texas Automatic Admissions Law (HB 588) at UT Austin," dated Oct. 28, 2008 (hereinafter, "2008 Top 10 Report") is attached as Exhibit C.

6. My job duties include compilation and analysis relating to the University's applicant pool, the applicants admitted, and those enrolled. To ensure consistency, a fixed "census" date is used. The University's census date is the 12th class day of the fall semester. Using the University's databases, I have compiled certain data that may be useful for understanding the makeup of the University's applicant pool, applicants admitted, and those enrolled, by race and whether the admission was through the Top 10% law. This data is the source for the following attachments: Total Number of Non-Top 10% Applicants for Years 2003 through 2006 (All Races Combined), attached as Exhibit D; Total Number of Non-Top 10% Admits for Years 2003-2008 (All Races Combined), attached as Exhibit E; Total Number of Non-Top 10% Applicants for Years 2003-2008 by Race, attached as Exhibit F; and Total

*Appendix R*

Number of Non-Top 10% Admits for Years 2003-2008 by Race, attached as Exhibit G.

7. For the class entering Summer/Fall 2008, UT Austin received 29,501 applications and offered admission to 12,843 applicants. 2008 Top 10 Report at 6. The University ultimately enrolled 6,715 students as first-time freshman for Fall 2008.

8. My job duties also include conducting periodic inter-rater reliability analyses during the admissions process. I conduct these reviews for both the essay readers and the full-file reviewers. The goal of these reviews is to measure the frequency of readers scoring within one point of each other. The expectation of this type of consistency established by the College Board for the SAT Writing test is that readers should score within one point of each other approximately 92% of the time. ACT, Inc., the publisher of the ACT Assessment, reports similar inter-rater reliability rates for its essays. This is widely considered the industry standard. The most recent formal analysis for UT Admissions, conducted in 2005, showed that essay readers scored within one point of each other 91% of the time, comparable to the reader consistency goals set by the College Board and ACT, Inc. for the SAT and ACT writing tests. According to the most recent inter-rater reliability analysis conducted on the file reading process in 2005, readers scored within one point of each other 88% of the time, consistent with industry standards.

/s/
Gary M. Lavergne

## APPENDIX S — EXHIBIT D TO AFFIDAVIT OF GARY M. LAVERGNE, "TOTAL NUMBER OF NON-TOP 10% APPLICANTS FOR YEAR 2003-2008 (ALL RACES COMBINED)"

### Total Number of Non-Top 10% Applicants for Year 2003-2008 (All Races Combined)

| | Total Apps | HB 588 Admits | Non-HB 588 Apps |
|---|---|---|---|
| 2003 | 24519 | 7132 | 17387 |
| 2004 | 23008 | 7089 | 15919 |
| 2005 | 23925 | 7466 | 16459 |
| 2006 | 27315 | 8353 | 18962 |
| 2007 | 27237 | 8476 | 18761 |
| 2008 | 29501 | 9253 | 20248 |

## APPENDIX T — EXHIBIT E TO AFFIDAVIT OF GARY M. LAVERGNE, "TOTAL NUMBER OF NON-TOP 10% ADMITS FOR YEARS 2003-2008 (ALL RACES COMBINED)"

### Total Number of Non-Top 10% Admits for Years 2003-2008 (All Races Combined)

| | Total Admits | HB 588 Admits | Non-HB 588 Admits |
|---|---|---|---|
| 2003 | 11504 | 7132 | 4372 |
| 2004 | 11788 | 7089 | 4699 |
| 2005 | 12207 | 7466 | 4741 |
| 2006 | 13307 | 8353 | 4954 |
| 2007 | 13800 | 8476 | 5324 |
| 2008 | 12843 | 9253 | 3590 |

## APPENDIX U — AFFIDAVIT OF N. BRUCE WALKER, FILED FEBRUARY 23, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CIVIL ACTION NO. 1:08-CV-00263-SS

ABIGAIL NOEL FISHER, and
RACHEL MULTER MICHALEWICZ,

*Plaintiffs,*

v.

UNIVERSITY OF TEXAS AT AUSTIN, et al.,

*Defendants.*

### AFFIDAVIT OF N. BRUCE WALKER

**THE STATE OF TEXAS**

**COUNTY OF TRAVIS**

BEFORE ME, the undersigned authority, personally appeared N. BRUCE WALKER, who, being by me duly sworn, upon his oath stated:

*Appendix U*

1. My name is N. Bruce Walker. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated in it. I make this affidavit in support of Defendants' Motion for Summary Judgment and in opposition to Plaintiffs' Motion for Summary Judgment.

2. I am the Vice Provost and Director of Admissions for the University of Texas at Austin, a position I have held since 1996. I have been involved in college admissions, either as an admissions officer or as an administrator at the College Board for a total of 35 years. As part of my job duties, I participate directly in all facets of the admissions process at the University. In particular, I am responsible for guiding and administering the University's admission policy as the University strives to meet its mission.

3. Generally stated, the goal of the Admissions Office is to admit a meritorious and diverse student body. In addition to academic credentials, the University also looks to an applicant's life experiences, including an applicant's culture; race, language; family, educational, geographic, and socioeconomic background; and the applicant's personal achievement such as work, volunteer, or internship experiences; and leadership experience, among other elements.

4. UT Austin values diversity for the educational benefits it produces. Knowing that graduates of the University of Texas will go on to become future leaders of this state, in government, industry, and public service, and perhaps others, the University understands its responsibility to provide a student body that permits all

students to experience concrete benefits from diversity. In the University's judgment, these benefits include, but are not limited to, cross-racial understanding, cross-ethnic understanding, the breaking down of racial, ethnic, and geographic stereotypes. In my many years in admissions, I have read studies that tout other benefits: diversity promotes learning outcomes and better prepares students for an increasingly diverse work force, for civic responsibility in a diverse society, and for entry into professions, where they will need to deal with people of different races, cultures, languages, and backgrounds.

5. Holistic review places value on the applicant's achievements in the context of their life experiences, which bear directly on the multifaceted diversity that an applicant would bring to the University, should he or she be admitted and enroll.

6. The holistic review process was put in place, under my guidance, for the entering freshman class of 1997. This holistic review process is similar to that used at many selective universities, whether public or private. In that process, the University looks not just at the academic achievements of an applicant, but also applies additional considerations that take into account an applicant's full life experiences, including their personal achievements. For the 1997 admissions cycle, the factors considered by the admissions office included:

- Scores on two essays
- Leadership
- Extracurricular Activities

- Awards/honors
- Work experience
- Service to school or community
- Special circumstances:
  - o Socio-economic status of family
  - o Single parent home
  - o Language spoken at home
  - o Family responsibilities
  - o Socio-economic status of school attended
  - o Average SAT/ACT of school attended in relation to student's own SAT/ACT

7. In connection with putting the holistic review in place, the University developed an extensive training program for staff who would read the applications. To find someone to develop and provide training, I contacted the College Board, who administers the Scholastic Achievement Test ("SAT") to obtain recommendations for an expert in holistic review training. To my surprise, Brian A. Bremen, who is an Associate Professor of English here at the University, was recommended. I interviewed Dr. Bremen, learned that he had been involved with the College Board for many years as a trainer for holistic reading and hired him to work with the University on its admissions process. Dr. Bremen has served as a consultant to the University in this capacity for 12 years.

8. In 2003, the Supreme Court issued its decision in *Grutter v. Bollinger*, 539 U.S. 306 (2003). That case was one that was widely followed in higher education circles, and a case which we at the University tracked very closely. As a result, when *Grutter* was decided, the University faced an important decision: whether or not to use race in its admissions process.

9. Once the Board of Regents of the University of Texas System authorized its component institutions to consider whether or not to use race, the University undertook a thoughtful review of its process.

10. In August of 2003, the Office of Admissions convened a retreat and invited faculty and attorneys to join the admission staff and Dr. Brian Bremen, our trainer. Over the course of a weekend, we debated what, if any, difference injecting race into the holistic review process would make in attracting and admitting under-represented minority students. The consensus was that using race would benefit the University by increasing the number under-represented minority students and thus further the University's overall goal of having a student body that is meritorious and diverse in a variety of educationally relevant ways.

11. The University also conducted a study, the results of which were cited in a report of November 20, 2003, that examined the presence or absence in undergraduate classrooms of the four most prevalent racial categories (White, African-American, Asian, Hispanic). The results of the study showed that, in 2002, 90% of (5-24 student)

classes had one or zero AfricanAmerican students, 46% had one or zero Asian-American students and 43% had one or zero Hispanic students. Based on this study, UT Austin concluded that it had not attained a critical mass of underrepresented minorities. Because critical mass is a necessary (but not sufficient) condition of achieving diversity, UT Austin further concluded, based on the study, that the educational benefits of a diverse student body were not being provided to all the University's undergraduate students.

12. The University also relied on anecdotal information from students – those who have the most direct interaction in the classroom. Their observations backed up what the study data revealed – that there was insufficient minority representation for the full benefits of diversity to occur.

13. UT Austin concluded that it could not accomplish its diversity goals without considering race in admissions. As a result, the University put forth a proposal to consider race in its admissions process. A true and correct copy of the *Proposal to Consider Race and Ethnicity in Admissions*, June 25, 2004 (hereinafter, "2004 Proposal"), is attached as Exhibit A.

14. In August 2004, after almost a year of deliberations, the UT System approved a revised admissions policy for UT Austin that included an applicant's race in the list of special circumstances that reviewers can consider in determining the applicant's personal achievement score. Beginning with the entering

class of 2005, the University's list of considerations for personal achievement included:

- Scores on two essays
- Leadership
- Extracurricular Activities
- Awards/honors
- Work experience
- Service to school or community
- Special circumstances:
  - o Socio-economic status of family
  - o Single parent home
  - o Language spoken at home
  - o Family responsibilities
  - o Socio-economic status of school attended
  - o Average SAT/ACT of school attended in relation to student's own SAT/ACT
  - o Race

15. As a practical matter, the only changes of note in the process were that: (1) an applicant's race (if reported by the applicant) was now included in the application file; and (2) readers were now taught to include race in the same manner as any other special circumstance. Race, like any other factor, is by itself never determinative of

an admissions decision and like every other factor is never considered in isolation or out of the context of the other aspects of the student's application file. Race is considered as part of the larger holistic review of every applicant regardless of race. No applicant is reviewed separately or differently because of their race or any other factor. An applicant's race, standing alone, is neither a benefit nor detriment to any applicant. Instead, race provides – like language, whether or not someone is the first in their family to attend college, and family responsibilities – important context in which to evaluate applicants, and is only one aspect of the diversity that the University seeks to attain.

16. The University believes that its holistic method of considering the race of all applicants benefits underrepresented minorities in the same way that our use of "race-neutral" factors such as socio-economic status at home or languages spoken do. Adding race to the other factors that we consider simply increases the chance that an underrepresented minority student will be sufficiently meritorious and diverse in all the ways that we consider educationally relevant. Again, however, race considered in context can be a positive thing for any applicant. It is not rare for UT Austin to admit a white student who was the president of a white majority high school, and neither is it uncommon for UT Austin to admit a Hispanic student was president of a Hispanic majority high school. Setting aside for a moment the other factors that we would consider, both of these students would be valued for taking leadership roles in their respective high schools, but their race in this narrow example would not be of particular moment in

terms of overall diversity. On the other hand, both a white student who is president of his or her majority African-American high school and an African-American student who is president of his or her majority white high school bring an additional aspect of diversity when one considers the relative rarity of being a student leader who can reach across racial lines.

16. The University's policy calls for formal review of the use of race every five years. Also, as an internal practice, the UT Austin admissions office informally reviews its various admissions procedures each year.

/s/_____
N. Bruce Walker

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. 14-981

IN THE

# Supreme Court of the United States

ABIGAIL NOEL FISHER,

*Petitioner,*

*v.*

UNIVERSITY OF TEXAS AT AUSTIN, *et al.*,

*Respondents.*

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

## SUPPLEMENTAL JOINT APPENDIX

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PETITION FOR CERTIORARI FILED FEBRUARY 10, 2015
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The University of Texas at Austin

# PROPOSAL TO CONSIDER RACE AND ETHNICITY IN ADMISSIONS

June 25, 2004

On August 7, 2003, the Board of Regents of The University of Texas System adopted a resolution authorizing each institution to develop and propose plans to consider race and ethnicity as part of the admission process. In response, The University of Texas at Austin herein submits recommendations to alter its admission processes for graduate students, law students, and undergraduates. It is the intent of the University to comply with the law as expressed in the decisions of the United States Supreme Court in the cases of *Grutter v. Bollinger*, 123 S.Ct. 2325 (2003), and *Gratz v. Bollinger*, 123 S.Ct. 2411 (2003).

## I. RATIONALE

The Supreme Court expresses the rationale for diversity as a compelling state interest that can justify the use of race in university admissions. (*Grutter*, 123 S.Ct. at 2339). One value of diversity in the classroom, according to the Court, is that it breaks down stereotypes *Id.* at 2329-40. This value in turn presupposes a sufficient number of minority students, or "critical mass." To break down stereotypes, there should be enough minority students for classroom discussion to reflect "a variety of views among minority students." *Id.* at 2334. A second value of diversity is that it "promotes cross-racial understanding." *Id.* at 2339. A third value is that diversity in the classroom "better prepares students for an increasingly diverse workforce and society." *Id.* at 2340. "[T]he skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints." *Id.*

Each of these educational values of diversity applies to the process of education at The University of Texas at Austin.

The Court expressed a fourth value of diversity in the context of educating a diverse population. "In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity." *Id.* at 2341. Because college degrees are often prerequisite to many types of leadership in our country and our state, the University plays a key role in preparing a diverse set of leaders.

Moreover, racial and ethnic minority group members continue to be underrepresented in many of the occupations that require a college degree. Table 1 presents census data that show that Black and Hispanic individuals in the United States are a consistently smaller proportion of these occupations than their proportion of the labor force. [1]

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[1] The term "Black" is used whenever it was the designation used in the source document, as is the case with Tables 1 and 2, which were produced by federal agencies.

**TABLE 1**
**PROPORTION OF SELECTED OCCUPATIONS**
**WHO ARE BLACK OR HISPANIC, 2002, UNITED STATES**

| Selected Occupations | Percent Black | Percent Hispanic |
|---|---|---|
| **Total employed in labor force, all occupations** | 10.9% | 12.2% |
| **Selected Occupations** | | |
| **Architects** | 2.3 | 5.2 |
| **Engineers** | 4.5 | 4.0 |
| **Computer System Analysts** | 6.9 | 5.2 |
| **Natural Scientists** | 4.1 | 2.9 |
| **Pharmacists** | 8.0 | 2.5 |
| **Teachers, College and University** | 5.4 | 5.4 |
| **Lawyers** | 4.6 | 3.1 |
| **Editors and Reporters** | 4.7 | 3.3 |

SOURCE: U.S. Bureau of the Census, Statistical Abstract of the U.S., 2003, p. 399, Table 615

The University of Texas at Austin prepares degree candidates in each of the fields as well as many others. Although not all of its graduates stay within the state, reviewing the occupational composition within the state of Texas is a useful comparison. Table 2 presents EEOC data from 2000 for the state of Texas.

Hispanics comprise a fraction of the Texas labor force that is more than twice their fraction of the national labor force. The Black proportion of the Texas labor force is just slightly lower than the national proportion. In most occupations in Texas, as in the nation, minorities are underrepresented in these occupations.

In Texas, unlike the nation, the fraction of pharmacists who are Black is larger than the fraction of Blacks in the labor force. In other occupations, the fraction of Blacks is well below their overall representation in the labor force. The fraction of Hispanics in these occupations is well below their representation in the labor force. There is not yet a visibly diverse set of leaders in these and many other occupations that require a college degree.

**TABLE 2**
**PROPORTION OF SELECTED OCCUPATIONS WHO ARE BLACK OR HISPANIC, 2002, TEXAS**

| Selected Occupations | Percent Black | Percent Hispanic |
|---|---|---|
| **Total employed in labor force, all occupations** | 10.5% | 27.5% |
| **Selected Occupations** | | |
| **Architects** | 2.4 | 11.5 |
| **Engineers** | na | Na |
| **Computer System Analysts** | 8.4 | 9.7 |
| **Natural Scientists** | na | Na |
| **Pharmacists** | 11.7 | 12.4 |
| **Teachers, College and University** | 5.3 | 10.9 |
| **Lawyers** | 3.9 | 8.1 |
| **Editors and Reporters** | 4.9 | 12..1 |

SOURCE: Derived by the Texas State Data Center from the Census 2000 EEO Data available at the following site: http://www.census.gov/eeo2000/index.html. Occupational codes are slightly different from those used in Table 1.
na = not available

The relative shortage of qualified minority professionals is translated into additional under-representation in leadership positions that are normally occupied by seasoned professionals. In 2003, for example, minorities accounted for only 8.8% of the nearly 7,500 director seats among the Standard & Poor 1500 companies.[2] Public universities such as The University of Texas at Austin bear a special responsibility in ensuring that "the path to leadership be visibly open to talented and qualified individuals."

**DIVERSITY BROADLY CONSIDERED**

The Court did not approve the pursuit of racial diversity alone, but only as part of a broader conception that values many forms of diversity. "The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element." *Grutter* , 123 S.Ct. at 2328-29 (quoting Justice Powell's opinion in *Regents of the Univ. of California v. Bakke*, 438 U.S. 265 (1978)). Therefore, as the recommendations below will

[2] Chris Luna, "Companies need to do more to create diverse boardrooms," Dallas Morning News (27 April 2004): 11a.

demonstrate, consideration of race and ethnicity will serve as but one component of many in a holistic admission review of applicants to be graduate students, law students, or undergraduates.

## II. ADMISSIONS PROGRAMS TO BE NARROWLY TAILORED

### A. INDIVIDUAL CONSIDERATION

Universities may *not* set aside a fixed number of seats for minority applicants. *Bakke*; *Grutter*, 123 S.Ct. at 2342. They may *not* award a fixed number of points to minority applicants. *Gratz*, 123 S.Ct. at 2427-28. They may *not* put minority applications "on separate admissions tracks." *Grutter*, 123 S.Ct. at 2342. They may *not* consider race in a "mechanical" way. *Id.* at 2343. "Outright racial balancing" remains "patently unconstitutional." *Id.* at 2339. This proposal does not involve any of these proscribed methods.

What universities *may* do is "consider race or ethnicity more flexibly as a 'plus' factor in the context of individualized consideration of each and every applicant." *Id.* at 2343. The Court emphasized that the law school admission process was "highly individualized and holistic" for all races. *Id.* Any part of the admissions process that considers race must be individualized. But the Court clearly implies that a school could have color-blind admissions at the top and bottom of the distribution, and consider race on an individualized basis only in a discretionary zone in middle of the applicant pool. Gratz, 123 S.Ct. at 2429 n.21. In this proposal, individualized consideration will be used whenever a race-neutral method, such as the admission of the top decile of high school graduates, is not used.

### B. THE WEIGHT GIVEN TO RACE/ETHNICITY

The Court never specified how much weight can be given to race. It stated that race cannot be a guarantee of admission for all minimally qualified minority candidates. But it acknowledged that in "any plan that uses race as one of many factors," "race is likely outcome determinative for many members of minority groups." *Grutter*, 123 S.Ct. at 2371. The Court rejected the argument that race can be given no more weight than other diversity factors. It recognized that the Law School plan gave special attention to underrepresented minorities as "one particular type of diversity." *Id.* at 2342. It said that universities must consider "all pertinent elements of diversity, . . . although not necessarily according them the same weight." *Id.* at 2342, quoting Justice Powell in *Bakke*. The Court noted that the Harvard plan of the 1970s, which it endorsed, "gave greater weight to race than to some other factors."[3] *Id.* at 2342.

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[3] Beyond that, the best evidence of what the Court is prepared to approve is what it actually did approve at Michigan's law school. The Court quoted the testimony of plaintiff's expert witness that race "is an extremely strong factor in the decision for acceptance," and that minority applicants "are given an extremely large allowance." *Id.* at 2334. But this expert also conceded "that race is not the predominant factor in the Law School's admissions calculus." *Id.* (Court's paraphrase). The Law School's expert testified that in 2000, 35% of underrepresented minority applicants were admitted, and that if race had not been

The Court requires that all admitted students be qualified, but also recognizes that who is qualified depends on standards that vary from school to school. The Court emphasized that the law school's "policy stresses that 'no applicant should be admitted unless we expect that applicant to do well enough to graduate with no serious academic problems'." *Id.* at 2332.

In this proposal, there is no intention that an unqualified applicant would ever be admitted. The position faced by The University of Texas at Austin is that for every degree program, there are many more qualified applicants than there are spaces, and there must be procedures in place to choose among many applicants who could be successful in their degree programs. None of the admissions programs described in this proposal assigns a specific weight to be given to race or ethnicity.

### C. QUOTAS AND GOALS

The Court rejected quotas but approved of goals. "Properly understood, a 'quota' is a program in which a certain fixed number or proportion of opportunities are reserved exclusively for certain minority groups." *Id.* at 2342, quoting *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 496 (1989) (plurality opinion). "In contrast, 'a permissible goal . . require[s] only a good-faith effort . . . to come within a range demarcated by the goal itself.'" *Grutter*, 123 S.Ct. at 23, quoting *Sheet Metal Workers v. EEOC*, 478 U.S. 421, 495 (1987) (O'Connor J., concurring in part). The Court noted that the proportion of underrepresented minorities in the law school's entering class had varied from 13.5% to 20.1%, "a range inconsistent with a quota." *Grutter*, 123 S.Ct. at 2343.

Michigan's law school defined its goal as a "critical mass," and refused to specify a number. One official testified that "critical mass" meant "meaningful representation," and enough minority students to encourage minority participation in classroom discussion and to avoid feelings of racial isolation. *Id.* at 2333-2334. Justice Kennedy asserted that the law school had historically defined "critical mass" as at least 12% of the student body. The Court emphasized that minority enrollment varied from year to year and differed significantly from minority percentages in the applicant pool. *Id* at 2371. In her separate opinion in *Gratz*, Justice O'Connor added that "the weight attributed to a particular quality may vary from year to year depending on the 'mix' both of the student body and the applicants for the incoming class," again quoting Justice Powell. *Gratz*, 123 S.Ct. at 2432 (O'Connor J., concurring). The Court rejected the claim that commitment to "critical mass," however defined, turned the law school's plan into a quota.

Further, the Court's discourse makes clear that the goal (or critical mass), and the weight given to race, can take some account of the relative size and qualifications of different minority groups in the applicant pool.

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considered, only 10% would have been admitted. *Id.*. Underrepresented minorities constituted 14.5% of the entering class; if race had not been considered, they would have been only 4% of the entering class. *Id.*

### D. Consideration of Race-Neutral Alternatives

The Court said that narrow tailoring requires "serious, good faith consideration of workable, race-neutral alternatives that will achieve the diversity the university seeks." *Grutter*, 123 S.Ct. at 2344. University of Texas administrators have been struggling with these issues for many years, and in Texas, they have been experimenting with race-neutral alternatives for seven years. Administrators already have a good idea of what has worked and what has not, and with what side effects and costs. What is presented below, in condensed form, is a record of these judgments.

"Narrow tailoring does not require exhaustion of every conceivable race-neutral alternative. Nor does it require a university to choose between maintaining a reputation for excellence or fulfilling a commitment to provide educational opportunities to members of all racial groups." *Id.* The Court indicates that an institution must use race-neutral alternatives only if they "serve the interest about as well." *Id.* An institution is not required to use race-neutral alternatives that would significantly lower admission standards, admit unqualified students, or impede other important educational objectives.

### E. Periodic Review

The Court also said that "race-conscious admissions policies must be limited in time." *Id.* at 2346. But it did not require universities to announce an arbitrary time limit in advance, nor did the Court set such a time limit. Its much publicized reference to what might happen in 25 years is a prediction, not a time limit or a rule of law:

> Since [1978], the number of minority applicants with high grades and test scores has indeed increased. We *expect* that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.

*Id.* at 2347 (emphasis added).

What the Court did require is periodic review of our policies. "[T]he durational requirement can be met by sunset provisions in race-conscious admissions policies and periodic reviews to determine whether racial preferences are still necessary to achieve student body diversity." *Id* at 2346. The Court also said that schools "should draw on the most promising aspects" of race-neutral alternatives developed in other states. *Id.*

This proposal establishes a schedule for periodic reviews to assess whether, and to what extent, consideration of race/ethnicity is still needed.

### F. The Top 10% Law

The constitutionality of percentage plans was not at issue in these cases, but they were offered as race-neutral alternatives that ended the need for consideration of race. The Court squarely rejected that argument, noting that percentage plans do not work for graduate and professional schools and that they preclude individualized consideration of applicants,

and hinting that they may not be race neutral. *Id.* at 2345. The University of Texas at Austin will comply with state laws affecting admissions, including the current requirement for automatic admission of students graduating in the top decile of an accredited high school.

The Top Ten Percent legislation affects only freshman undergraduate admissions. Because the admission processes for graduate students, law students, freshmen, and transfer are independent of one another, the present document is organized according to categories of students. However, officials responsible for implementation in each category will consult with University's attorneys to assure full compliance with the law.

## III. GRADUATE PROGRAMS (EXCLUDING LAW)

### A. RATIONALE

An undergraduate education provides the foundation on which many students build and continue their intellectual development. Graduate training is essential to become proficient in a specific discipline, conduct advanced research, and contribute to the development of new knowledge. The objectives of graduate study are to develop intellectual breadth, to obtain specialized training, and to develop the skills necessary to assume a role of leadership in the academic field of study and in society. Emphasis is placed on the acquisition and development of knowledge, problem solving, methodologies for pursuing original research, teaching skills, intellectual leadership, and creative expression in the student's discipline.

To meet the objectives of graduate study, the educational environment must foster a robust exchange of ideas and provide exposure to differing perspectives. In the absence of a diverse environment, graduates will not be prepared to meet the challenges of creating knowledge and becoming leaders in an increasingly diverse workforce and academy. Conversely, creating a dynamic and diverse environment will help ensure that graduates are prepared to succeed, to prosper, to lead, and to shape the future. Graduate degree programs produce the leaders in business (M.B.A.), education (Ed.D.), social work (M.S.S.W.), information (M.S.I.S.), research institutions and universities (Ph.D.). To have a visibly diverse class of leaders, it is important that graduate programs across the board educate a diverse group of students.

### B. DIVERSITY BROADLY CONSIDERED

A diverse student body is not only racially and ethnically diverse, but also diverse in work experience, family and socioeconomic background, cultural background, language, leadership experience, creative experience, and artistic talent, to cite just a few examples. The section below lists a number of aspects of diversity that will be considered in the holistic, full-file review.

### C. ADMISSION PROGRAM TO BE NARROWLY TAILORED

#### 1. INDIVIDUAL CONSIDERATION

The Graduate School sets general policies and guidelines for admission and endorses the admission of students who meet both departmental and Graduate School admission criteria. Although responsibility for graduate admissions ultimately rests with the Vice Provost and Dean of Graduate Studies, admission decisions are made by admissions committees at the graduate program and departmental levels. These admission decisions are already holistic and based on the review of the full file. Specifically, the decisions are based on (1) an assessment of the academic strength of the applicant's record and potential for advanced study and (2) an individualized, holistic review of each application that considers how the applicant might contribute to, and benefit from, the diversity of educational environment of the department of choice as well as the broader university. Some departments also consider factors based on mandates and standards dictated by their fields and professions. However, graduate programs and departments will not use any mechanical means to sort their applications. For example, there will be no cutoff scores on standardized examinations such as the Graduate Record Examination.

The following basic criteria and additional personal factors are currently considered in making graduate admission decisions. It must be emphasized that this list is not exhaustive and that certain graduate programs may weigh factors differently. Indeed, for some programs, certain of these criteria might be deemed more important than others. This proposal would add consideration of race and ethnicity to the other "special circumstances" under Additional Personal Factors.

Basic Admission Criteria

- Applicant's upper-division undergraduate grade point average
- Applicant's undergraduate education transcript(s)
- Applicant's GRE (or GMAT) scores
- Letters of reference
- Personal statement

Additional Personal Factors

- Personal statement (essay) and portfolio (if required)
  - Evidence of commitment to the field
  - Professional goals
  - Specific research interests (if pertinent to degree program)
- Publications or writing sample (if pertinent to degree program)
- Leadership
- Interviews
- Auditions (if pertinent to degree program)
- Extracurricular activities
- Professional memberships, awards, and honors
- Work experience
- Laboratory experience (if pertinent to degree program)
- Service to undergraduate institution or community
- Special circumstances, such as
  - Socioeconomic status of family

- Single parent
- Language spoken at home
- Family responsibilities
- Overcoming adversity, including disabilities
- Cultural background
- Other information in the file

### 2. The Weight given to Race/Ethnicity

Race or ethnicity would be added as one among the many factors considered as part of a holistic, full-file review. No particular weight would be assigned to this factor, and the significance of this factor might vary from program to program.

### 3. Quotas and Goals

Consideration of race and ethnicity in the admission process does not mean that members of particular racial or ethnic groups will be admitted automatically. There will be no separate tracks for minority groups in the admission process. Moreover, because the Supreme Court decision specifically excludes any automatic admission based on race or ethnicity, graduate programs will not participate in any arrangements or consortia that require automatic admission.

### 4. Consideration of Race-Neutral Alternatives

Graduate admissions policies and guidelines have been race-neutral since 1997, as a result of the court decision in the case of *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996) in 1996. Following that decision, the Graduate School of The University of Texas at Austin attempted to achieve racial diversity by increasing its recruiting efforts and by initiating two race-neutral fellowship programs: The McNair Scholars Fellowship Program and the South Texas Graduate Fellowship Program.

*McNair Scholars Fellowship Program*

The Ronald McNair Program is a national, race-neutral program that assists low-income and first-generation undergraduate college students who wish to prepare for graduate school. Funded by the U.S. Department of Education, this program, named for the African American scientist and astronaut who was killed in 1986 accident of the space shuttle *Challenger*, offers selected undergraduates access to research opportunities, faculty mentors, opportunities to publish and present research findings, and preparation for the Graduate Record Examination and graduate-level coursework. It is an excellent undergraduate preparation for attending graduate school.

The McNair Scholars Fellowship Program was initiated by the Graduate School in 1999 to encourage undergraduate McNair participants to pursue a graduate education at The University of Texas at Austin. To be eligible for the McNair Scholars Fellowship Program, applicants must be admitted to a graduate program at The University of Texas at Austin and must be nominated by the graduate adviser of the program of study. The McNair Scholars Fellowship Program covers tuition and required fees for the first year of

study at the University. This fellowship may be held in combination with any other appointment or fellowship. McNair Fellows are also eligible for an application fee waiver when applying for admission to the Graduate School.

A total of 35 McNair Fellows have received first-year graduate school support since the program's inception in 1999. Table 3 indicates that the largest portion of McNair Fellows are Hispanics (43%), followed by whites (26%), and African Americans (17%).

**Table 3**
**McNair Fellowships**

| | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| White | 1 | 33.33 | | | 1 | 14.28 | 3 | 37.5 | 4 | 40 |
| Native American | | | 1 | 14.28 | | | | | | |
| African American | 1 | 33.33 | 1 | 14.28 | 2 | 28.57 | 1 | 12.5 | 1 | 10 |
| Asian American | | | 2 | 28.57 | | | | | | |
| Hispanic | 1 | 33.33 | 2 | 28.57 | 3 | 42.86 | 4 | 50 | 5 | 50 |
| International | | | | | 1 | 14.28 | | | | |
| Unknown | | | 1 | 14.28 | | | | | | |
| Total | 3 | 100 | 7 | 100 | 7 | 100 | 8 | 100 | 10 | 100 |

SOURCE: Office of Graduate Studies, The University of Texas at Austin

*South Texas Graduate Fellowship Program*

The South Texas Graduate Fellowship Program is a race-neutral program instituted at the University in Fall, 2002. It offers first-year fellowships to students who have graduated, or who are graduating, from a public university in South Texas (including Bexar County) and who enter a master's or doctoral program at The University of Texas at Austin. These merit-based fellowships are awarded to outstanding incoming graduate students, allow recipients who are not Texas residents to pay in-state tuition, may be held in combination with any other appointment or fellowship, and require recipients to register as full-time students for the duration of the award.

To be eligible, an applicant must be nominated by the graduate adviser of a particular graduate program, must be a full-time graduate student in good academic standing, and must have received an undergraduate degree from one of the following institutions:

The University of Texas at Brownsville
The University of Texas Pan American

The University of Texas at San Antonio
Texas A&M University - Corpus Christi
Texas A&M University - Kingsville
Texas A&M International University - Laredo

A total of 40 South Texas Graduate Fellows have been funded at The University of Texas at Austin since the program's inception in 2002. Table 4 indicates that the largest portion of South Texas Graduate Fellows are Hispanics (63%), followed by whites (35%).

**Table 4**
**South Texas Graduate Fellows**

| | 2002 | | 2003 | |
|---|---|---|---|---|
| | N | % | N | % |
| White | 9 | 45 | 5 | 25 |
| Native American | | | | |
| African American | | | | |
| Asian American | | | 1 | 5 |
| Hispanic | 11 | 55 | 14 | 70 |
| International | | | | |
| Unknown | | | | |
| Total | 20 | 100 | 20 | 100 |

SOURCE: Office of Graduate Studies, The University of Texas at Austin

No other race-neutral alternatives have appeared to be feasible for graduate programs. There is no workable equivalent to a percentage plan that would work for graduate studies. Moreover, the competition for good graduate students is especially intense, and most of the nation's excellent graduate schools were neither limited to race-neutral methods nor were as limited in graduate fellowship funding as The University of Texas at Austin has been. The result is that the Graduate School has not been successful in achieving racial diversity.

Prior to the *Hopwood* decision, enrollment percentages for African Americans and Hispanics in graduate programs were marginal at best. Since that time, these percentages have decreased substantially and remain below the 1996 levels, demonstrating that the current race-neutral admission model has failed to yield a racially diverse student body or to achieve "critical mass."

Table 5 shows the characteristics of entrants to graduate programs for Fall, 2003, compared with earlier years. The 2003 data indicate that of the entrants, 0.3% were

Native Americans, 2.2% were African Americans, and 8.1% were Hispanics. By comparison, the 1996 data indicate 0.3% enrollment for Native Americans, 3.6% for African Americans, and 8.1% for Hispanics. (See Table 5.) Over this period of time, the absolute number of African American entrants declined from 103 to 76. The absolute number of Hispanic entrants rose from 243 to 276, but this was not so large an increase as that of the entering graduate population.

**Table 5**
**Graduate Fall and Summer Entrants Combined**
**1996-2003**

| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | N | % | % | N | % | N | % | N | % |
| White | 1,803 | 63.0 | 1,829 | 63.0 | 1,685 | 58.1 | 1,673 | 54.5 | 1,722 | 55.7 | 1,685 | 54.1 | 1,853 | 53.3 | 1,946 | 57.3 |
| Native American | 10 | 3 | 10 | 3 | 16 | 6 | 12 | .4 | 9 | 3 | 9 | 3 | 7 | .2 | 10 | .3 |
| African American | 103 | 3.6 | 69 | 2.4 | 63 | 2.2 | 63 | 2.1 | 76 | 2.5 | 56 | 1.8 | 78 | 2.2 | 76 | 2.2 |
| Asian American | 142 | 5.0 | 129 | 4.4 | 148 | 5.1 | 187 | 6.1 | 167 | 5.4 | 178 | 5.7 | 238 | 6.9 | 233 | 6.9 |
| Hispanic | 243 | 8.5 | 206 | 7.1 | 169 | 5.8 | 197 | 6.4 | 190 | 6.1 | 226 | 7.3 | 270 | 7.8 | 276 | 8.1 |
| International | 561 | 19.6 | 662 | 22.8 | 779 | 26.8 | 876 | 28.5 | 873 | 28.2 | 871 | 28.0 | 916 | 26.4 | 753 | 22.2 |
| Unknown | | | | | 42 | 1.4 | 63 | 2.1 | 54 | 1.7 | 87 | 2.8 | 112 | 3.2 | 105 | 3.1 |
| Total | 2,862 | 100 | 2,905 | 100 | 2,902 | 100 | 3,071 | 100 | 3,091 | 100 | 3,112 | 100 | 3,474 | 100 | 3,399 | 100 |

SOURCE: Office of Institutional Research, The University of Texas at Austin, Statistical Handbook, 2002-2003 edition

The failure of race-neutral strategies is also apparent in the total enrollment among the thirteen colleges and schools at The University of Texas at Austin with graduate programs (excluding the School of Law, which is covered separately in Section IV). Thus for Fall, 2002, five of the colleges and schools had one or no Native Americans enrolled in graduate programs, two had one or no Hispanic students enrolled in doctoral programs, and six had one or no African Americans enrolled in doctoral programs. Table 6 indicates that the educational benefits of racial diversity are not available for the graduate students in many of the graduate programs at U.T.-Austin.

Within the colleges and schools, the lack of minority student representation at the program level is even more revealing. For the same period (Fall, 2002), 95% of the 127 graduate programs (excluding Law) at The University of Texas at Austin had one or no Native American students, 77% had one or no African American, and 45% had one or no Hispanics. The situation was similar in Fall, 2003, when 97% of the graduate programs had one or no Native Americans, 73% had one or no African Americans, and 47% had one or no Hispanics. Many of The University of Texas at Austin graduate programs, therefore, approach what the Supreme Court has called "the inexorable zero." *Teamsters v. United States*, 431 U.S. 324, 342 n.23 (1977).

**Table 6**
**Graduate Fall 2002 Enrollment by College, Level, Ethnicity, and Gender**

| COLLEGE | LEVEL | White N | Native American N | African American N | Asian American N | Hispanic N | International* N | Unknown N | Total N |
|---|---|---|---|---|---|---|---|---|---|
| ARCHITECTURE | M | 127 | | 5 | 9 | 13 | 45 | 3 | 200 |
| | D | 6 | | | 1 | 3 | 4 | | 14 |
| | Total | 133 | | 5 | 10 | 16 | 49 | 3 | 214 |
| BUSINESS ADMIN | M | 826 | 3 | 20 | 177 | 80 | 324 | 56 | 1,488 |
| | D | 31 | 3 | 1 | 3 | 2 | 72 | 2 | 112 |
| | Total | 857 | 6 | 21 | 180 | 82 | 396 | 58 | 1,600 |
| COMMUNICATION | M | 207 | 1 | 6 | 10 | 34 | 86 | 13 | 357 |
| | D | 101 | 1 | 14 | 12 | 16 | 69 | 3 | 234 |
| | Total | 308 | 2 | 20 | 28 | 92 | 155 | 16 | 579 |
| EDUCATION | M | 335 | 1 | 26 | 13 | 74 | 95 | 13 | 567 |
| | D | 453 | 6 | 64 | 25 | 106 | 119 | 10 | 778 |
| | Total | 808 | 7 | 90 | 33 | 180 | 204 | 23 | 1,345 |
| ENGINEERING | M | 387 | 1 | 8 | 65 | 31 | 499 | 9 | 926 |
| | D | 243 | 3 | 9 | 37 | 20 | 651 | 8 | 967 |
| | Total | 630 | 4 | 13 | 102 | 51 | 1,100 | 17 | 1,893 |
| FINE ARTS | M | 292 | 1 | 5 | 4 | 24 | 50 | 10 | 346 |
| | D | 147 | | | 12 | 17 | 86 | 6 | 308 |
| | Total | 439 | 1 | 5 | 16 | 41 | 136 | 16 | 654 |
| INFORMATION** | M | 170 | | 2 | 4 | 27 | 30 | 9 | 231 |
| | D | 28 | | | 1 | 3 | 10 | | 40 |
| | Total | 209 | | 2 | 5 | 30 | 40 | 9 | 291 |
| LAW | | 1,070 | 7 | 54 | 87 | 150 | 89 | 69 | 1,486 |
| LIBERAL ARTS | M | 360 | 1 | 7 | 22 | 65 | 95 | 19 | 567 |
| | D | 710 | 8 | 32 | 10 | 97 | 271 | 20 | 1,166 |
| | Total | 1,070 | 9 | 39 | 32 | 162 | 366 | 39 | 1,733 |
| NATURAL SCIENCES | M | 388 | 1 | 2 | 21 | 22 | 183 | 19 | 548 |
| | D | 440 | 2 | 1 | 37 | 14 | 494 | 12 | 1,000 |
| | Total | 740 | 3 | 3 | 58 | 36 | 677 | 31 | 1,948 |
| NURSING | M | 130 | | 8 | 7 | 19 | 6 | 6 | 184 |
| | D | 21 | | 3 | 1 | 4 | 8 | | 38 |
| | Total | 141 | | 11 | 9 | 23 | 12 | 6 | 392 |
| PHARMACY | M | 17 | | | | 3 | 3 | 1 | 24 |
| | D | 23 | | 4 | 6 | 8 | 46 | | 87 |
| | Pharm D | 121 | 1 | 7 | 38 | 44 | 1 | 1 | 233 |
| | Total | 161 | 1 | 11 | 44 | 55 | 50 | 4 | 344 |
| PUBLIC AFFAIRS | M | 130 | 2 | 10 | 11 | 18 | 33 | 5 | 211 |
| | D | 9 | | 1 | | 1 | 13 | 1 | 24 |
| | Total | 139 | 3 | 11 | 11 | 19 | 47 | 6 | 235 |
| SOCIAL WORK | M | 211 | 2 | 11 | 9 | 42 | 13 | 14 | 302 |
| | D | 29 | | 6 | 3 | 4 | 17 | 2 | 61 |
| | Total | 240 | 2 | 17 | 12 | 46 | 30 | 16 | 383 |
| INTERCOLLEGIAL PROGRAMS | M | 46 | | | 6 | 5 | 8 | 3 | 68 |
| | D | 18 | | | | 1 | 24 | 2 | 45 |
| | Total | 64 | | | 6 | 6 | 32 | 5 | 113 |
| TOTAL UT AUSTIN | M | 3,981 | 15 | 110 | 366 | 639 | 1,388 | 178 | 6,031 |
| | D | 2,507 | 19 | 151 | 166 | 296 | 1,081 | 68 | 4,004 |
| | Pharm D | 121 | 1 | 7 | 38 | 44 | 1 | 1 | 233 |
| | Law | 1,070 | 7 | 54 | 87 | 150 | 89 | 69 | 1,486 |
| | Total | 7,681 | 42 | 302 | 673 | 947 | 3,319 | 316 | 12,680 |

M=Master's D=Doctoral Pharm D=Doctor of Pharmacy T=Total
* International student figures include foreign exchange students.
** In Fall 2002, the Graduate School of Library and Information Science was renamed the School of Information.
Note: Intercollegial Programs are administered by the Graduate School, as opposed to one of the academic colleges/schools.

**SOURCE:** Office of Institutional Research, The University of Texas at Austin, Statistical Handbook, 2002-2003 edition

Using 1997-2002 data from the Office of Graduate Studies, Table 7 provides further evidence of the failure of race-neutral policies at the graduate level. The table reveals that the doctoral degrees awarded to African Americans during those years are concentrated in just a few colleges. Essentially, four colleges have graduated 90% (n=93) of all African American students earning PhDs and EdDs during those five years. This is a compelling example of how, under race-neutral policies, there is a lack of African American doctoral students across the disciplines and a corresponding lack of opportunity for students in all disciplines to engage in learning in the context of diverse points of view, experiences, and values.

**Table 7**
**PhDs and EdDs Awarded to African Americans, 1997-2002**

| College/School | Number | Percent |
|---|---|---|
| School of Architecture | 0 | 0.0 |
| McCombs School of Business | 0 | 0.0 |
| LBJ School of Public Affairs | 0 | 0.0 |
| School of Nursing | 0 | 0.0 |
| College of Fine Arts | 1 | 1.1 |
| School of Information | 1 | 1.1 |
| College of Pharmacy | 1 | 1.1 |
| School of Social Work | 2 | 2.2 |
| College of Natural Sciences | 4 | 4.3 |
| College of Engineering | 6 | 6.5 |
| College of Communication | 9 | 9.7 |
| College of Liberal Arts | 19 | 20.4 |
| College of Education | 50 | 53.8 |
| Total | 93 | |

SOURCE: Office of Graduate Studies, The University of Texas at Austin

While the University cannot claim to have achieved racial diversity in graduate programs prior to the *Hopwood* decision, student data from the seven race-neutral years since *Hopwood* indicate even less diversity. Race-neutral admission policies have not only failed to increase racial diversity, they have also exacerbated the appearance that the University is largely closed to nonwhite applicants and does not provide a welcoming, supportive environment to underrepresented minority students. The Graduate School is committed to continuing race-neutral programs such as the McNair and South Texas initiatives in order to build upon their strengths. However, such race-neutral programs cannot by themselves bring the University to "critical mass."

### 5. Periodic Review

The proposed policy will be reviewed every five years, with the next review beginning in Fall, 2009.

### 6. Conclusion

In *Grutter v. Bollinger* and *Gratz v. Bollinger*, the Supreme Court upheld the constitutionality of race-conscious admission policies designed to promote diversity in higher education. The decisions are supported by the following statements:

> "Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized." *Grutter*, 123 S.Ct. at 2340-41.
>
> "We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to 'sustaining our political and cultural heritage' with a fundamental role in maintaining the fabric of society . . For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity." *Id.* at 2340.
>
> [Higher education] "must be inclusive of talented and qualified individuals of every race and ethnicity, so that all members of our heterogeneous society may participate in the educational institutions that provide the training and education necessary to succeed in America." *Id.* at 2341.

Together, these Supreme Court decisions affirm the importance of achieving racial diversity. The major requirement of the Court is that students be considered individually and holistically. In addition, the Court's decisions validate a university's need to seek more than token numbers of minority students and to reach instead an appropriate "critical mass" in order to achieve educational objectives.

Instituting race-conscious graduate admission policies is not only a legitimate goal for The University of Texas at Austin, it is a societal imperative, especially in the State of Texas. Employers both want and need graduates who can function effectively in an environment that is increasingly global and multicultural in almost all fields. Population projections indicate that racial diversity in Texas and across the United States will continue to grow, and that eventually most large urban populations will have a majority of people of color. Given these inevitabilities, it is critical that graduate students at The University of Texas at Austin experience a learning environment that provides exposure to diverse ideas and cultures, in addition to an opportunity for leadership development in a complex, multifaceted world.

The enrollment data presented with this proposal demonstrate emphatically that the Graduate School has not reached the "effective participation" or "critical mass" referred to in recent Supreme Court decisions. Not only have the percentages of Native Americans, African Americans, and Hispanics in the total graduate enrollment decreased

in the years since race-neutral polices were mandated by the courts, but in a preponderance of the graduate programs at the University, representation of Native Americans, African Americans, and Hispanics is either negligible or absent.

The Graduate School of The University of Texas at Austin should keep the best of what it has developed in the years since *Hopwood*. However, based on recent Supreme Court decisions, the Graduate School should also resume consideration of race and ethnicity to ensure the creation of a diverse graduate student body.

***Proposed Race-Conscious Graduate Admission Policy***

As authorized by the Board of Regents, The University of Texas at Austin has reviewed its graduate admission policies to determine the success of race-neutral alternatives to affirmative action. Having completed that review, the University submits the following proposal to add race and ethnicity as considerations in the current holistic review of applications for admission to all graduate programs administered by the Office of Graduate Studies at The University of Texas at Austin.

## IV. SCHOOL OF LAW

### A. RATIONALE

*Grutter v. Bollinger*, 123 S.Ct. 2325 (2003), and *Gratz v. Bollinger*, 123 S.Ct. 2411 (2003), hold that public universities and their components (which include the Law School) have a compelling interest in diversity in their student bodies, including but not limited to racial and ethnic diversity.

The Court recognized diversity in two distinct senses. One is diversity in the classroom, which requires sufficient numbers of minority students to reveal the diverse viewpoints among them. See *id.* at 2341. With respect to African Americans, even the 2003 experience is marginal for this purpose. The first-year Law School class at The University of Texas at Austin is divided into four sections, each of which is further divided into three or four small sections for one class. These small-section classes are a hugely expensive investment in first-year instruction; the Law School makes this investment because of the faculty's judgment that the small sections are such an important part of first-year instruction that the investment is justified. Thirty African American students divided among twelve to sixteen small sections means one or two, occasionally three, African American students in each small section. Such numbers do not serve the pedagogic purposes of a critical mass.

The Court's second meaning of diversity is that "the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity." *Id.* On this criterion, a critical mass in Texas is necessarily larger than a critical mass in Michigan. A majority of the college-age population in Texas is African American or Hispanic, and this percentage has increased sharply in the years since *Hopwood*. (These data were computed from www.census.gov.) Even if the Law School believed that its 2003 minority numbers were sustainable, those numbers in 2003 left minority students much more underrepresented than they were with similar numbers in 1990 or 1992. As the state's minority population grows,

the numbers needed to create the visible appearance of openness in the Law School also grows. Tables 1 and 2, above, show that Black and Hispanic minority groups remain substantially underrepresented among attorneys in Texas and in the nation.

### B. Diversity Broadly Considered

Historically, the Law School gave special consideration to African Americans and Mexican Americans. The rationale was that these were the two groups with an historic claim on Texas. These groups had lived in the state and been the targets of discrimination in the state for a very long time. That is a past-discrimination rationale; it is not *Grutter*'s rationale.

*Grutter*'s rationale is diversity, very broadly defined. On *Grutter*'s rationale, any identifiable and underrepresented group contributes to diversity and is as much deserving of affirmative action as African Americans and Mexican Americans. The most important implication of this rationale is that an ethnicity classification should now extend to all Hispanics, not just Mexican Americans.

In addition, the School of Law, through its holistic, full-file review, will consider a variety of characteristics besides race and ethnicity that may fairly be considered contributors to diversity.

### C. Admissions Programs to be Narrowly Tailored

#### 1. Individual Consideration

The Supreme Court requires that any consideration of race or ethnicity take place in the context of a selection process that is "highly individualized" and "holistic." *Grutter*, 123 S.Ct. at 2343. The Law School may consider race or ethnicity more flexibly "as a 'plus' factor in the context of individualized consideration of each and every applicant." *Id.* at 2342. This individualized review must give each applicant an opportunity to explain the ways in which he or she might contribute to diversity, and all those diverse contributions must be considered--not just racial diversity, but all forms of intellectual and experiential diversity. The Law School's existing essays and full-file review appear to satisfy these requirements.

a. Evidence of individualized consideration

In upholding the admission process at the University of Michigan Law School, the Court relied on evidence that "the Law School frequently accepts nonminority applicants with grades and test scores lower than underrepresented minority applicants (and other nonminority applicants) who are selected." *Id.* at 2330. Such evidence may be the most effective and objective way to prove that diversity factors other than race and ethnicity genuinely matter. As a consequence of the Law School's serious commitment to the Court's broad conception of diversity, there will be white and Asian applicants admitted from the same range of grades and test scores as underrepresented minority candidates benefiting from affirmative action.

b. No guarantees

The Law School cannot make decisions in a way that guarantees admission to all or generally all minority applicants with at least minimum qualifications. This means that some qualified minority applicants must be rejected. This may also mean slower progress in terms of racial diversity, but to the Court, it is essential evidence that underrepresented minority candidates are in genuine competition with white and Asian candidates.

c. Separate admission tracks

The rule against separate admission tracks does not preclude separate tracks if applicants are sorted into the tracks on a completely color-blind basis. For example, as a matter of federal law the Law School could have a portion of the process at the top or bottom of the applicant pool that is color-blind and mechanical. (At the undergraduate level, the Texas Top 10% Plan is a color-blind and mechanical separate track.) The Law School, however, does not desire to create such a separate track. Therefore, the Law School will abandon the process in which some admission application files were diverted to review by faculty panel. All files will be reviewed in one unified administrative process.

### 2. The Weight Given to Race/Ethnicity

It is impossible to specify with any precision how much weight should be given to race. It is even difficult to measure how much weight has been given to race in any given year. The Court is clear in *Grutter* that race may carry more weight than other diversity factors. The Court is equally clear that race cannot effectively guarantee admission to all qualified minority applicants, or have a fixed or mechanical weight in the process.

A principal justification for renewed consideration of race is that, by considering race directly, the Law School will be able to admit stronger minority candidates and fewer minority candidates who are weaker but fit some proxy. This implies a floor under affirmative action: as compared to 2002 and 2003, the Law School should admit fewer applicants with academic credentials well below the main body of the entering class. (*Texas Education Code* §51.822 precludes rejecting any applicant wholly or principally because of his or her LSAT score, but it does not preclude rejection of candidates who still appear weak after full-file review.)

Of course, the Law School should also keep the benefit of what has been learned in the seven years since *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996). It has honed its recruiting skills and its prelaw institutes are expanding the applicant pool. It seems reasonable to expect that the Law School can increase minority enrollment while giving race somewhat less weight than in the era before *Hopwood*.

### 3. Quotas and Goals

No part of this review will be mechanical. The Law School will *not* set aside a fixed number of seats for minority applicants. It will *not* award a fixed number of points to minority applicants. It will *not* put minority applications "on separate admissions tracks." It

will *not* consider race in a "mechanical" way. "Outright racial balancing" remains "patently unconstitutional." *Id.* at 2339.

#### 4. Consideration of Race-Neutral Alternatives

Before considering race in admission, a school must give "serious, good faith consideration of workable race-neutral alternatives that will achieve the diversity the university seeks." *Grutter*, 123 S.Ct. at 2345. However, a school need not use race-neutral alternatives that sacrifice academic excellence or that do not work "about as well" as considering race. *Id.* at 2344. Thus, the Law School may consider both the degree of diversity achieved with race-neutral alternatives and the academic cost of achieving diversity with those methods as compared to direct consideration of race. The resolution at the meeting of the Board of Regents on August 7, 2003, directs The University to consider both costs and benefits.

The Law School has used a variety of race-neutral alternatives for the seven years, from 1997 to 2003, since *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996). In 1996, the school considered race for part of the admission season, before *Hopwood* was decided and again after the court issued a stay. Below is a summary of the costs and benefits of race-neutral alternatives experienced by the Law School over the seven race-neutral years.

*The Extent of Diversity Achieved*

The district court opinion in *Hopwood*, 999 F.Supp. 561 (W.D. Tex. 1994), reports enrollment data for African Americans and Mexican Americans back to 1983. The Law School has similar data for the years since the opinion. Thus enrollment data for over fourteen years are available. Enrollment of these two minority groups fluctuated widely during these fourteen years. Despite aggressive efforts with race-neutral alternatives, for six of the seven race-neutral years (1997 to 2002), enrollment did not reach the lowest levels achieved in any of the fourteen affirmative-action years for either group. In 2003, the Law School re-entered that range. African American enrollment at 6% remained below the mean for the affirmative action years. Mexican American enrollment at 13.9% was, at least for 2003, near the high end of the range of the affirmative action years.

The experience of 2003 does not appear to represent a new status quo that can reliably be replicated. Nonfarm employment peaked in February, 2001, and total employment declined more or less continuously from then until the arrival of the 2003 entering class. (These data are available at http://data/bls.gov/cgi-bin/surveymost.) Such weak economic conditions limit the job opportunities of new college graduates, reduce the opportunity costs of continued education, and thus lead to higher application rates and higher yield rates. The number of applications from whites and African Americans increased sharply in 2002, and modestly further in 2003 (although African American applications still remained well below their range for the affirmative action years). The number of applications from Mexican Americans increased sharply in 2003. Yield (the percentage of offers of admission that are accepted) increased for all ethnic groups, but most dramatically for underrepresented minorities. The 2003 yields for African Americans and Mexican Americans exceeded any levels seen in the sixteen years for which the Law School

has yield records; in the case of African Americans, the 2003 yield exceeded the previous high by a large margin. These very high yields presumably reflect the economy; there is no reason to believe that either the application rate or the yield rate will continue at these high levels once the economy improves.

High yields can also result from making offers to applicants deeper in the applicant pool. Such offers are a cost of relying on race-neutral alternatives, as explained below. The one point to make here is that in 2002, the Law School went even deeper into the pool than in 2003 but enrolled many fewer minority students. This is further evidence that aggressive use of race-neutral alternatives does not necessarily produce diverse enrollment, and that the continuing weak economy played a major role in The University's 2003 enrollment.

*The Costs of Race-Neutral Alternatives*

Over the past seven years, the Law School has developed an array of race-neutral alternatives. The most important of these are the prelaw programs at University of Texas System institutions in El Paso, San Antonio, and the Rio Grande Valley, which help to strengthen the pool of minority applicants. The University of Texas at El Paso, The University of Texas at San Antonio, and The University of Texas-Pan American each conducts a pre-law program ("Institute") to assist students with law school preparation. The institutes provide an intensive pre-law curriculum that includes the study of legal research and writing and LSAT preparation. In addition, students are given an introduction to first-year law courses such as "Contracts" and "Torts" to enhance the analytical skills of the students and to improve their written and oral communication skills. The Law School of The University of Texas at Austin has partnered with these institutes by offering instruction from its faculty and by providing financial support. The dean and other administrative staff visit each campus each year. These schools were selected because they serve regions of the state that produce few law students and few lawyers. However, the Law School has no similar program to serve African Americans because there is no similar race-neutral criterion to justify such a program in race-neutral terms. To create such a program that targets African Americans, race would have to be considered explicitly.

A second important part of the Law School's effort has been ever-more-intense recruiting of minority students. There is broad agreement that this should continue.

A third and critical feature of any race-neutral pursuit of diversity is the identification of proxies for minority status. In Texas, the most important such proxy has been geography. Preferring applicants from certain regions of the state increases the number of minority students, especially Mexican Americans.

Affirmative action by proxy has a large cost that has been little understood. In such a system, the Law School must pass over strong minority applicants who do not fit the proxy and admit weaker applicants of all ethnicities who do fit the proxy. Once this is understood, one would predict that effective use of any strong proxy for minority status would result in a somewhat weaker class, with a larger gap between white and minority students, as compared to admission based principally on academic criteria and ethnicity. This prediction is confirmed by enrollment data.

The *Hopwood* trial focused on the class admitted in 1992. At that time, the Law School considered applicants in light of the Texas Index, calculated as LSAT score plus ten times undergraduate grade point average (GPA). The coefficients in the Texas Index changed over the years, and the Law School no longer uses it in the admission process, but the data for calculating it are still available. In the study undertaken to support the present proposal to change the Law School admission process, the 1992 formula was used to recalculate the Texas Index for the lower ranges of more recent enrolled classes. Data for four groups of years were compared: 1992-96 (when the Law School considered race in admission); 1997-99 (the years with the fewest minority students); 2000-02 (years with somewhat more minority students, but still fewer than the lowest years of affirmative action); and 2003. Although there appeared to be some random fluctuation year-by-year, clear patterns emerged in comparing the groups of years.

Achieving diversity by race-neutral means requires a longer "tail," with more students in the tail. Even though the applicant pool tends to get stronger over time, and even though in 2002 and 2003 the Law School had an unusually large number of applications and offered admission to a smaller percentage of applicants, the school enrolled more students with low and very low Texas Indexes than eight to twelve years ago when race was explicitly considered. And inevitably (because decisions were made on a race-neutral basis), a notably higher percentage of students admitted with low Texas Index scores were white.

The gap in entering credentials between white and underrepresented minority students was larger in 2003 than in the affirmative action years. The growth in the gap was modest on some measures and larger on other measures, but the direction was uniform. On every measure--every combination of means, medians, LSAT scores, GPAs, African Americans, Mexican Americans--the gap increased. It has increased because many of the strongest minority students could not be admitted. If they were not strong enough to be admitted without consideration of race and they did not fit a race-neutral proxy, they could not be admitted.

For nearly fifteen years, from the early 1980s to the *Hopwood* decision in 1996, the central goal of the Law School admission policy was to maintain diversity while gradually shrinking the credential gap between white and minority students. Shrinking the gap produces a better educational experience, better race relations within the Law School, and more successful minority students and minority lawyers. Reversing that trend and expanding the gap is a high cost to pay for the use of alternatives that are formally race-neutral.

Another adverse consequence of using race-neutral admission has been the negative effect on the admission of out-of-state minority students. In the affirmative action years, African American students came to the Law School from Texas and from out-of-state, both in substantial numbers; since *Hopwood*, the Law School has had very few nonresident African American students. In 2003, it had only one. This was a loss of an important source of diversity, especially in the broad sense in which the Supreme Court defines the concept.

Another formally race-neutral method that has been essential to success is that the Law School privatized a large portion of its financial aid effort. Friends of the Law School raised and administered funds for minority scholarships. Of course, this is race-neutral only at the level of state action. Privatization has the significant cost that the Law School surrenders control of an important part of its mission. Financial aid affects recruiting and matriculation; it affects students' satisfaction and ability to succeed after they come to the Law School; and it affects their debt load and prospects after they graduate. If the Law School resumes consideration of race, it can resume responsibility for an important part of its obligation to its students.

*Adequate Levels of Diversity*

If the Law School believed that 2003 levels of diversity were sustainable, and if it believed that these levels of diversity had been achieved at acceptable cost, should it claim success and conclude that race-neutral alternatives are adequate? The answer is "No." Recovering to what the Law School achieved eight to twelve years ago is not a reasonable measure of success.

The Supreme Court in *Grutter* approved pursuit of what the University of Michigan called a "critical mass" of minority students. The Court did not define "critical mass." The Court's emphatic rejection of quotas necessarily implies that a critical mass cannot be defined in terms of a specific number. 123 S.Ct. at 2339. The Court approved the affirmative action effort at Michigan's Law School, which in practice had produced enrollment of underrepresented minorities ranging from 13.5% to 20.1% of the entering class. The Law School at The University of Texas at Austin did not reach even the bottom of that range in any post-*Hopwood* year before 2003; it was within that range in 2003.

It is of course unconstitutional to use affirmative action in pursuit of racial balance. Racial balance is not at issue in the Law School; the school has never come close to racial balance, and it has never sought racial balance as a goal to be achieved with affirmative action. But the magnitude of underrepresentation matters. To be "visibly open" is in part a matter of appearances. When minority population grows steadily but minority enrollment in the Law School does not, the school does not appear to be visibly open. To the minority community, the Law School may even appear to have a cap on minority enrollment. A critical mass of minority students at Texas would be a somewhat higher percentage than has been achieved to date.

### 5. Periodic Review

Both the Court's opinions and the Regents' resolution require periodic review of any program that considers race. The Law School will continue to monitor its experience, along with population data and experience elsewhere, and will be prepared to abandon consideration of race if diversity can be achieved at reasonable cost by some race-neutral means. The proposed policy will be reviewed every five years, with the next review beginning in Fall, 2009.

### 6. Conclusion

Minority enrollment levels of 2003 are probably not sustainable by the Law School, were achieved at high academic cost, and did not yet represent a critical mass. The Law School should keep the best of what it has developed, especially the prelaw programs and its more intensive recruiting efforts. Success in these efforts should reduce the extent to which race must be considered. Resumption of modest consideration of race and resumption of the goal of reducing the gap between minority students and white students should enable the Law School to reduce the number of offers to marginal applicants and increase the strength of the class.

***Proposed Race-Conscious Admission Policy for the School of Law***

The following admission plan is proposed for the School of Law ("Law School") at The University of Texas at Austin.

1. The Law School will continue full-file review of each admission application as described in the 2004 *Admissions Bulletin*.

2. The Law School will add "race and ethnicity" to the list of factors to be considered.

3. The Law School will end the traditional procedure by which some admission application files are diverted to review by panels of faculty members. All files will be reviewed in one unified administrative process.

## V. Undergraduate Admissions

### A. Rationale

A comprehensive college education requires a robust exchange of ideas, exposure to differing cultures, preparation for the challenges of an increasingly diverse workforce, and acquisition of competencies required of future leaders. This type of academic environment is a goal of The University of Texas at Austin and admission decisions must take into account this goal. The University of Texas at Austin handles a very large number of undergraduate applications and must select from among a highly qualified pool only the number of students it can accommodate. In light of the institutional goal, admission decisions result from both an assessment of the academic strength of each applicant's record and an individualized, holistic review of each applicant, taking into consideration the many ways in which the academically qualified individual might contribute to, and benefit from, the rich, diverse, and challenging educational environment of the University.

Following the decision made in *Hopwood v. Texas*, 78F.3d 932 (5th Cir. 1996), The University of Texas at Austin has made good faith efforts to achieve racial and ethnic diversity through a three-pronged, race-neutral process for freshman admission: the holistic evaluation of individual applications, the aggressive implementation of the Texas "Top 10% Law" (House Bill 588 of the 75th Regular Session of the Texas Legislature), and the Longhorn Opportunity Scholarship program. Pre-*Hopwood* diversity

levels were not restored until 1999, when all three of the admission initiatives had been fully implemented. But restoration to pre-*Hopwood* levels is not sufficient.

In the case of *Grutter v. Bollinger*, the Supreme Court gave institutions of higher education direction as to when race-conscious admission policies are appropriate: considering race and ethnicity is acceptable if doing so is consistent with the institution's mission and there is a compelling educational reason for achieving a more diversified student body. The Court accepted the principle of a "critical mass" of underrepresented minority students. The ruling instructed institutions not to use what has been called "racial balancing" or to try to match campus racial and ethnic representation with that of a political entity such as a city or state. Instead, the Court allowed for an investigation into whether there is a critical mass of minority students in the educational setting.

In *Grutter*, the Court clearly recognized the educational value of diversity at the classroom level (e.g., robust exchange of ideas, more spirited discussions, etc.). This renewed and Court-sanctioned emphasis on educational benefits prompted the University to examine minority representation in undergraduate courses. Results indicate that, in a large percentage of those courses, some minority groups are represented by only one student or by none at all. The University of Texas at Austin did not have a critical mass of minority students sufficient to provide an optimal educational experience in 1996 (the pre-*Hopwood* period), and after seven years of good faith race-neutral admission policies, the University still has not reached a critical mass at the classroom level.[4]

If The University of Texas at Austin is to accomplish its mission and fulfill its flagship role, it must prepare its students to be the leaders of the State of Texas. In the near future, Texas will have no majority race; tomorrow's leaders must not only be drawn from a diverse population but must also be able to lead a multicultural workforce and to communicate policy to a diverse electorate. The University has a compelling educational interest to produce graduates who are capable of fulfilling the future leadership needs of Texas.

Because the University's educational mission includes the goal of producing future educational, cultural, business, and sociopolitical leaders, the undergraduate experience for each student must include *classroom* contact with peers of differing racial, ethnic, and cultural backgrounds. The proposal to consider race in the admission process is not an exercise in racial balancing but an acknowledgment that significant differences between the racial and ethnic makeup of the University's undergraduate population and the state's population prevent the University from fully achieving its mission. In short, from a racial, ethnic, and cultural standpoint, students at the University are currently being educated in a less-than-realistic environment that is not conducive to training the

[4] Moreover, while the number of minorities at the University in 2003 was higher than in 1996, this was a result of the decision to increase the size of entering freshman classes to accommodate growing numbers of students admitted because of their top 10% high school rank. Such increases in enrollment cannot be sustained by an already overcrowded campus. It must also be stated that the percentage of underrepresented minorities in the entering freshman class for 2003 was the same as in 1996.

leaders of tomorrow. For the University adequately to prepare future leaders, it must include a critical mass of students from traditionally underrepresented backgrounds.

Critical mass, which is an adequate representation of minority students to assure educational benefits deriving from diversity, affects in a positive way all students because they learn that there is not "one" minority or majority view. In addition, the Court recognized that critical mass is essential in order to avoid burdening individuals with the role of "spokespersons" for their race or ethnicity. Thus, there is a compelling educational interest for the University not to have large numbers of classes in which there are no students--or only a single student--of a given underrepresented race or ethnicity

The use of race-neutral policies and programs has not been successful in achieving a critical mass of racial diversity at The University of Texas at Austin. While the number of African American and Hispanic students has risen slightly above 1996 levels, these students still represent only 3% and 14%, respectively, of the entering freshman class. (See Table 9) The race-neutral efforts have also failed to improve racial diversity within the classroom. In fact, Table 8 demonstrates that for Fall, 2002, there were *more* classes with no or only one African American or Hispanic student than there had been in Fall, 1996. With so few underrepresented minorities in the classroom, the University is less able to provide an educational setting that fosters cross-racial understanding, provides enlightened discussion and learning, and prepares students to function in an increasingly diverse workforce and society.

**Table 8**
**Representation of Racial and Ethnic Groups in UT Austin Undergraduate Classes**
**Fall 1996 Compared to Fall 2002**

| Fall 1996 | Fall 2002 |
|---|---|
| **In classes of 5 or more students (n=4,742):**<br>• 46% had no African Americans; 73% had one or none;<br>• 10% had no Hispanics; 25% had one or none;<br>• 19% had no Asian Americans; 38% had one or none;<br>• <1% had no whites; 1% had one or none.<br><br>**In classes of 5-24 students (n=2,880):**<br>• 59% had no African Americans; 86% had one or none;<br>• 16% had no Hispanics; 38% had one or none;<br>• 27% had no Asian Americans; 52% had one or none;<br>• <1% had no whites; 1% had one or none. | **In classes of 5 or more students (n=5,631):**<br>• 52% had no African Americans; 79% had one or none;<br>• 12% had no Hispanics; 30% had one or none;<br>• 16% had no Asian Americans; 33% had one or none;<br>• <1% had no whites; <1% had one or none.<br><br>**In classes of 5-24 students (n=3,616):**<br>• 65% had no African Americans; 90% had one or none;<br>• 18% had no Hispanics; 43% had one or none;<br>• 23% had no Asian Americans; 46% had one or none;<br>• <1% had no whites; 2% had one or none. |

In keeping with its experience, the University proposes to retain its race-neutral policies (automatic admission of some students based on class rank, the individual review of student applications, and intensive recruiting from Longhorn Opportunity Scholarship schools) and to supplement these policies with the consideration of race and ethnicity as a special circumstance during individual review.

### B. Diversity Broadly Considered

In the freshman admission process of The University of Texas at Austin, the concept of merit is necessarily broad in order to honor the aforementioned principles that guide the decision process. In the section below, there is a detailed discussion of the many factors that are taken into account in the holistic, full-file review.

### C. Admissions Programs to be Narrowly Tailored

#### 1. Individual Consideration

The individual consideration of freshman applicants takes account of two vectors of information: a summary of their academic records, called the academic index, and a summary of their personal achievement.

The Academic Index (AI) is based on the following elements of the student's high school record.

- High school class rank
- Completion of the high school curriculum required by the University
- Strength of high school course selection
- SAT/ACT score

The Academic Index (AI) is determined by a multiple regression equation using a high school percentile ("HSR") derived from an explicit class rank [1-(class rank/class size) *100], and verbal and math test scores from the ACT Assessment or the SAT I: Reasoning Test. The equation produces a predicted freshman-year grade point average (GPA).[5] After a review of the high school transcript, an applicant may be assigned a tenth of a predicted grade point for exceeding the University's required high school curriculum. Thus, the value of the AI ranges from 4.10 to 0.00.

The personal achievement of each applicant is judged on the basis of the following elements. Race and ethnicity are proposed additions to this list.

- Scores on two essays

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[5] The equations vary by area of intended major as follows.

*For Liberal Arts, Communication, Fine Arts, Social Work, and Education:*

Predicted Freshman GPA = -0.19949 + (SAT Verbal * 0.00142) + (SAT Quantitative * 0.00191) + (HSR * 0.01459)

Predicted Freshman GPA = 0.09689 + (ACT English * 0.02513) + (ACT Math * 0.04577) + (HSR * 0.01351)

*For Nursing, Natural Sciences, and Architecture:*

Predicted Freshman GPA = -1.10339 + (SAT Verbal * 0.00088166) + (SAT Quantitative * 0.00230) + (HSR * 0.02416)

Predicted Freshman GPA = -0.51242 + (ACT English * 0.00824) + (ACT Math * 0.05007) + (HSR * 0.02199)

*For Engineering:*

Predicted Freshman GPA = -1.53545 + (SAT Verbal * 0.00072937) + (SAT Quantitative * 0.00313) + (HSR * 0.02285)

Predicted Freshman GPA = -1.78910 + (ACT English * 0.01074) + (ACT Math * 0.07335) + (HSR * 0.02708)

*For Business:*

Predicted Freshman GPA = -2.31253 + (SAT Verbal * 0.00157) + (SAT Quantitative * 0.00229) + (HSR * 0.03419)

Predicted Freshman GPA = -2.14521 + (ACT English * 0.02892) + (ACT Math * 0.05405) + (HSR * 0.03409)

- Leadership
- Extracurricular activities
- Awards and honors
- Work experience
- Service to school or community
- Special circumstances:
  - Socioeconomic status of family
  - Single parent home
  - Language spoken at home
  - Family responsibilities
  - Overcoming adversity
  - Cultural background
  - Other information in the file

Personal achievement is determined through a holistic approach to the reading of application files. To ensure fairness and consistency, readers receive training in holistic reading. No reader is exempt from this training, which is intended to calibrate the readers so that scores are reflective of the students' records rather than the readers' personal preferences.

Readers are trained by a specialist in holistic scoring. The trainer is a faculty member at The University of Texas at Austin with extensive national experience in holistic scoring and training of readers. All readers must go through training every year regardless of how many years they have read files in the admission process. This annual training helps establish consistency.

All applicants are required to submit two essays. Each essay is read and scored on a scale of 1 to 6 (6 being high) by a trained admission officer. The application, including any attachments an applicant chooses to provide, is then reviewed by the same reader. A "personal achievement" score on a scale of 1 to 6 is assigned to the application.

The personal achievement score determined through holistic reading is assigned to the applicant and considered along with the academic information when determining an admission decision. Staff members seek to admit those students whose academic and personal achievement record indicates a good match for The University of Texas at Austin. Invariably, there will be applicants on the "cusp," i.e., at the margin of being admitted or rejected. In fact, there are several hundred such applicants in a large applicant pool. In the process that is herein being proposed, senior members of the admissions staff will conduct a second review of the files of applicants who are at this margin to determine which applicants will be admitted to fill the remaining spaces. The consideration of both academic and personal achievements assures the selection of an admitted class consisting not only of academically qualified individuals with a high probability of success, but also individuals who can enrich classroom discussions with their unique experiences. In a class where all are academically qualified, some individuals may have been admitted primarily on the strength of their academic record, others on their personal achievements. In this process, the first to be selected will have demonstrated excellence in both--rather than one.

Due to state law, some applicants are admitted automatically by virtue of being in the top 10% of their graduating class; for them, Personal Achievement is not used for determining admission to The University of Texas at Austin. However, Personal Achievement may be used for determining whether a "top 10%" student will be admitted into a specific college, such as Business or Communication.

### 2. Weight given to race/ethnicity

The factors that are included in personal achievement are not given individual weights. Each forms a piece of the whole of the personal achievements of the student. The intent is to sort the applicant pool on the strength of personal achievement from "most impressive" (6) to "least impressive" (1). Or, said another way, from "who will add the most to The University of Texas at Austin campus" (6), to "who has the least to offer The University of Texas at Austin campus" (1). Race, ethnicity, and cultural background, while important, are only three of many factors to be considered by the reader when establishing a contextual background for the student's achievements and in determining potential contributions to The University of Texas at Austin campus.

### 3. Quotas and Goals

No specific goal will be established in terms of the numbers of students with specific characteristics who are admitted.

### 4. Consideration of race-neutral alternatives

Since the *Hopwood* decision in 1996, The University of Texas at Austin has had a race-neutral admission process. The comparison year for the effectiveness of race-neutral policies has traditionally been 1996, the last year in which the University was able to consider an applicant's race. (See Table 9) The United States Supreme Court in *Grutter v. Bollinger* has determined that the use of race is permissible in college admission if race-neutral alternatives are found to be ineffective or unworkable substitutes for race-conscious policies in enrolling a "critical mass" of minority students. The Court also acknowledged that the quality of an education need not be sacrificed in order to implement race-neutrality in an admission process.

**Table 9**
**Entering Freshmen**
**Summer and Fall Combined**
**1996-2002**

| | Enrolled | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 4,159 | 65 | 4,730 | 67 | 4,399 | 65 | 4,447 | 63 | 4,801 | 63 | 4,447 | 61 | 4,882 | 62 |
| Native American | 34 | <1 | 36 | 1 | 37 | <1 | 28 | <1 | 32 | <1 | 34 | <1 | 35 | <1 |
| African American | 266 | 4 | 190 | 3 | 199 | 3 | 286 | 4 | 296 | 4 | 242 | 3 | 272 | 3 |
| Asian American | 942 | 15 | 1,130 | 16 | 1,133 | 17 | 1,221 | 17 | 1,325 | 17 | 1,413 | 19 | 1,452 | 18 |
| Hispanic | 932 | 14 | 892 | 13 | 891 | 13 | 976 | 14 | 1,011 | 13 | 1,024 | 14 | 1,137 | 14 |
| International | 97 | 2 | 107 | 2 | 83 | 1 | 82 | 1 | 217 | 3 | 139 | 2 | 157 | 2 |
| Unknown | 0 | 0 | 0 | 0 | 2 | <1 | 0 | 0 | 4 | <1 | 38 | <1 | 0 | 0 |
| Total | 6,430 | 100 | 7,085 | 100 | 6,744 | 100 | 7,040 | 100 | 7,686 | 100 | 7,337 | 100 | 7,935 | 100 |

SOURCE: The University of Texas at Austin, Office of Institutional Research, Statistical Handbook, 1996-2002 editions.

The race-neutral processes that the University has used since the court decision in the *Hopwood* case are described below.

a Individual Holistic Review of Freshman Applications

Beginning with 1997, the University implemented the race-neutral alternative of holistically reading files and broadening the factors used to make admission decisions to include subjective criteria (e.g., essays, awards and honors, service, work experience) and special circumstances that put an applicant's achievements into context. Admission of African American and Hispanic freshmen declined in real numbers and as percentages of the class until other measures were subsequently implemented.

b The Texas Top 10% Automatic Admissions Law (HB 588)

Since 1998, the University's freshman admissions have largely been governed by the Texas Top 10% Automatic Admissions Law (*House Bill* 588 of the 75th Texas Legislature, 1997). The law is race-neutral insofar as any student graduating in the top 10% of his or her high school class must be admitted as a first-time freshman.

The combination of the automatic admission of top 10% students and holistic review for those not in the top 10% resulted in only a slight improvement in racial diversity from 1997 to 1998. African American enrollment increased by 9 students, but was still below the 1996 level. And the number of Hispanic freshmen declined by 1 while also remaining below the 1996 level.

Moreover, the Texas Top 10% Plan now threatens the quality of the educational experience at The University of Texas at Austin. In 2002, as a result of an attempt to accommodate growing numbers of automatically admitted top 10% students, the entering freshman class size rose to an historic high of 7,935. Table 10 illustrates the growth of top 10% admission since 1998.

**Table 10**
**Growth in the Number and Percentage of**
**Automatically Admitted Top 10% Students, 1998-2003**

| Year | Top 10% Enrolled | Total Enrolled | % Who Were Top 10% |
|---|---|---|---|
| **1998** | 2,513 | 6,744 | **37%** |
| **1999** | 2,925 | 7,040 | **42%** |
| **2000** | 3,346 | 7,686 | **44%** |
| **2001** | 3,423 | 7,337 | **47%** |
| **2002** | 3,932 | 7,935 | **50%** |
| **2003** | 4,279 | 6,544 | **65%** |

SOURCE: Office of Admissions, The University of Texas at Austin

From 1998 through 2003, the number of top 10% students enrolling in the freshman class at The University of Texas at Austin through automatic admission increased by 70%. The number will continue to rise as more students seek the top 10% entitlement to the flagship university. The University of Texas at Austin cannot sustain this growth. The 2002 academic year was a critical one in which total enrollment of more than 52,000 stretched the capacity of the faculty, staff, and facilities to a degree that negatively affected the educational experience of students.

c Longhorn Opportunity Scholarships (LOS)

A third race-neutral alternative was introduced for the 1999 entering class. Longhorn Opportunity Scholarships (LOS) were added as incentives for top 10% students in high schools with no history of sending students to The University of Texas at Austin and with an average parental income of $35,000 or less. This effort serves underrepresented, low-income, first-generation students. There were 39 LOS schools in the first year. The entering class of 1999 illustrates the combined use of automatic admission of top 10% students, LOS offers, and the use of holistic reading for those not in the top 10% (see Table 9) Both African American and Hispanic representation returned to their 1996 levels. The actual numbers of minorities were higher, an increase accomplished by enlarging the class size by 610 students above the 1996 level. This larger class size also allowed for the growth in the number of automatically admitted top 10% students.

Since implementation of the Longhorn Opportunity Scholarship program, the number of schools to which LOS scholarships are allocated has increased to 70. The University

also implemented a special program to help ensure the success of LOS students who enrolled. But as the number of LOS schools has increased, both initiatives have required additional resources.

The holistic review of applications, the Top 10% Law, and the Longhorn Opportunity Scholarship program represent many years of good faith race-neutral efforts to enroll a diverse undergraduate student body. However, increasing the size of the entering freshman classes, as has been done in the past, can no longer be used as a strategy to sustain race-neutral alternatives. The University is already the largest single-campus institution of higher education in the United States. Severe and well-publicized budget constraints preclude the required growth in the faculty and facilities needed to accommodate continued growth in the student population. And the University's budget does not allow for an unlimited increase in the number of Longhorn Opportunity Scholarships or an unlimited increase in the capacity of its support program.

#### 3. Periodic Review

The undergraduate admission process will be reviewed annually to ensure that it is effective in admitting academically qualified individuals who contribute to a rich, diverse, and challenging educational environment at The University of Texas at Austin. In addition, the admission process will be reviewed every five years to assess whether consideration of an applicant's race is necessary in order to create a diverse student body, or whether race-neutral alternatives exist that are able to achieve the same results. The next review will begin in Fall, 2009.

#### 4. Proposed policy

The proposed policy is to include race and ethnicity among the factors in the assessment of personal achievement, and then proceed as described above. This procedure will be used only for applicants who are not guaranteed admission by the race-neutral, automatic means of the Top Ten Percent law.

## VI. Transfer Admissions

### A. Rationale

The use of race-neutral policies has not been successful in achieving a critical mass of racial diversity at The University of Texas at Austin. This failure has been reflected as much among entering transfer students as it has been among entering freshman. In 1996, the percentage of African Americans in the entering transfer class was 2.3% and the percentage of Hispanics was 14.3%. By 2003, the percentage of entering transfers who were African Americans had risen to only 2.9% while the percentage of entering transfer Hispanics had dropped to 13.7%. Even more telling is the fact that in 2003 the percentage of entering African American transfer students (2.9%) was lower than the percentage of entering African American freshmen (4.1%), and the percentage of entering Hispanic transfer students (13.7%) was lower than the percentage of entering

Hispanic freshmen (14.6%). To this may be added the observation that the percentage of Hispanic transfers has dropped in each of the past two years. The low percentages of African American and Hispanic transfer students also contribute to the situation demonstrated in Table 8 and discussed above, viz., for Fall, 2002, there were more classes with no or only one African American or Hispanic student than there had been in Fall, 1996. Transfer admissions are currently succeeding neither in the objective of providing additional educational diversity nor in developing a visibly diverse leadership class.

### B. Diversity Broadly Considered

To be eligible for transfer admission, an applicant must have graduated from high school or earned a diploma through the General Educational Development (GED) Test, and must have completed at least 24 semester hours of transferable credit. Any student who is not eligible to continue studies at another college or university because of academic or disciplinary reasons is not eligible for admission to The University of Texas at Austin. The applicant may have to meet additional requirements to transfer into specific areas of study. (Students interested in studying pharmacy must first be admitted by the director of admissions to the pre-pharmacy program in the College of Natural Sciences. Once the student has been admitted and has satisfied the pre-pharmacy requirements, he or she may apply to the professional program in the College of Pharmacy. See the section, below, concerning "Admission to the College of Pharmacy.")

A completed application includes the application itself, the application fee, and official transcripts of all work at all colleges attended, including enrollment in concurrent course work while in high school. In order to receive consideration, the application must be received by the Office of Admissions by the published deadline.

The following academic achievement factors are considered in transfer admissions:

- Grade point average (GPA) earned in all college work
- Number of courses taken
- Courses required for admission into specific areas of study, including the GPA earned in those courses
- Educational goals
- Exceptional achievement or special talents
- Audition (where required)
- Portfolio (where required)
- Test of English as a Foreign Language (TOEFL) scores (where required)
- Essay(s)

The following characteristics are considered to put the academic achievements into context:

- Socio-economic standing
- Educational level of parents
- Demonstrated ability to overcome past educational deficiencies
- Cultural background

- Employment, internship, other educational experiences
- Personal experience or hardships that have helped shape one's life
- Personal responsibilities

### C. Admissions Programs to be Narrowly Tailored

#### 1. Individual Consideration

Transfer admission decisions will be reached through a holistic approach to the reading of application files. In order to ensure fairness and consistency, all readers will receive special training in holistic reading. No reader will be exempt from this training, which is intended to calibrate the readers so that scores are reflective of the students' records rather than the readers' personal preferences.

Readers will be trained by a specialist in holistic scoring. The trainer is a faculty member at The University of Texas at Austin with extensive national experience in holistic scoring and training of readers. All readers will be required to go through training every year regardless of how many years they have read files in the admission process. This annual training will help establish consistency.

The application files of transfer students will be read individually to select the applicants whose prior academic performance, educational goals, aspirations, background, and personal characteristics indicate a good match for The University of Texas at Austin. Readers will consider the preparation of the applicant for the intended major as well as the contribution that the applicant will make to the classroom and community life of the University. The original readers will make an admission decision or forward a file to the Associate Director with a recommendation. Upon reviewing the file, the Associate Director will make the final admission determination.

#### 2. The Weight given to Race/Ethnicity

Race/ethnicity would be added as one factor among the other factors considered as part of the contextual factors that are listed above. No particular weight would be given to race or ethnicity.

#### 3. Quotas and Goals

No numerical goal or quota will be set for specific racial or ethnic groups among the transfer applicants.

#### 4. Consideration of Alternatives

The race-neutral methods previously used for the admission of transfer students have not produced the level of diversity that is educationally desirable nor the level that adequately produces a visibly diverse leadership class.

#### 5. PERIODIC REVIEW

The proposed holistic, full-file procedure will be reviewed in five years, with the next review occurring in 2009.

#### 6. PROPOSED POLICY

The proposed policy is to add race and ethnicity among the many factors that are already considered in admission.

## VII. PHARMACY ADMISSIONS

### A. RATIONALE

The proposed change to a holistic review process for transfer students that includes race and ethnicity among the elements to be considered for admission affects the College of Pharmacy. In the procedure described below, race and ethnicity would be added to the "additional personal factors" considered in a holistic review of pharmacy applicants. The entry-level professional degree in Pharmacy is the Pharm.D., and both transfer and continuing students are admitted to the Pharm.D., at the beginning of their junior year.

Pharmacists are important professionals in health-care delivery, and producing pharmacists from diverse backgrounds is integral to producing a visibly diverse leadership class. Using race-neutral methods, the Pharm.D. program has not been as successful as The University would like in diversifying its class, especially with African American students. In 1997, the percentage of African Americans in the Pharm.D. program was 6% and by 2003 the percentage had dropped to 2%.[6] With Hispanic students the program was more successful, partly because the Pharmacy Scholars Program (see details below). The percentage of Pharm.D. students in 1997 who were Hispanic was 7% and by 2003 the percentage was 19%, with some fluctuations up and down in the intervening years.

### B. DIVERSITY BROADLY CONSIDERED

The admission to the university and the College of Pharmacy are separate and independent processes. Students must first be admitted to the University by the director of admissions according to the normal undergraduate procedures. Generally a student then applies for admission to the College of Pharmacy during the student's sophomore year. A student is admitted to the professional curriculum in Pharmacy by the dean, following recommendation by the Admissions Committee of the College of Pharmacy, according to the procedures indicated below. If the number of eligible applicants for the professional curriculum exceeds the number that available facilities can accommodate, final selection is made by the College of Pharmacy Admissions Committee and the dean.

As a condition of admission to the College of Pharmacy, each student must sign a statement that he or she agrees to accept assignment to any one of the college's internship regions throughout the state. Cooperative arrangements for pharmacy education exist with academic units and health care institutions in the following internship regions: Austin/Temple, Dallas/Fort Worth, El Paso, Galveston/Houston, the Rio Grande Valley, and San Antonio. Internship regions may be added or deleted at any time based on the availability of resources. Elective regions, which provide limited internship experiences for a specified period of time (less than four months), may also be available.

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[6] The starting date of 1997 is used here rather than 1996 because of a discontinuity in the location of the Pharm.D. program at The University. Before 1997, the Pharm.D. program was a part of the Office of the Graduate Studies. After 1997, the Pharm.D. program was reorganized and its admission process was substantially changed.

Students assigned to San Antonio and Pharmacy Scholars students from The University of Texas at El Paso and The University of Texas - Pan American in Edinburg must spend approximately a year and a half to two years in those regions; students assigned to the other regions spend only the final year of the program (the internship year) in their assigned region.

Students are assigned to internship regions through a computer-generated random lottery number system that takes students' ranked preferences into account. Since most students relocate to internship regions outside the Austin area, region assignment occurs during the latter part of the second professional year to allow students adequate time to make personal and financial arrangements. There are no exceptions to the region assignment process. If a student fails to agree to accept assignment to any region, he or she will not be admitted to the College of Pharmacy.

### C. Admissions Programs to be narrowly tailored

#### 1. Individual Consideration

Admission to the professional curriculum in Pharmacy is competitive. Each file is individually assessed for the following factors.

1. Basic Admission Criteria

   - Scholarship as indicated by grade point average and Pharmacy College Admission Test (PCAT) scores. In evaluating the applicant's academic record, the committee pays particular attention to the courses required for admission.[7]

[7] The applicant should have completed at least sixty-three semester hours and must have completed the following forty-five semester hours:

   a. Nine hours of biology, including cellular and molecular biology, structure and function of organisms, and genetics
   b. Eight hours of general chemistry with laboratory
   c. Three hours of freshman-level rhetoric and composition
   d. Three hours of sophomore-level survey of literature
   e. Three hours of mathematics (differential and integral calculus)
   f. Three hours of statistics
   g. Eight hours of organic chemistry with laboratory
   h. Four hours of microbiology with laboratory
   i. Four hours of physics with laboratory

2. The remaining semester hours should include

   a. Six hours of American history
   b. Six hours of American government, including Texas government
   c. Three hours of fine arts or humanities coursework chosen from archaeology, architecture, art (including art education, art history, design, studio art, visual art studies), classics (including classical civilization, Greek, Latin), fine arts, humanities, music (including music, instruments, ensemble), philosophy (excluding courses in logic), or theatre and dance
   d. Three hours of social and behavioral sciences coursework chosen from anthropology, economics, geography, linguistics, psychology, sociology, and social work

3. The applicant must fulfill the foreign language requirement as given under the "Basic Education Requirements" in the College of Pharmacy section of the current *Undergraduate Catalog* before seeking admission to the professional curriculum.

- Personal statement
- Letters of recommendation

4. Additional Personal Factors

   - Extracurricular activities that demonstrate community involvement and leadership potential
   - Honors and awards
   - Interview. Applicants are screened for interview based on academic record, exposure to the profession, special life circumstances, and any other compelling factors. If invited for an interview, then other factors are considered such as, but not limited to:

     - On-site written essay
     - Knowledge of, and motivation for, pharmacy as a career
     - Life-long learning strategies
     - Critical thinking skills

   - Special life circumstances, such as, but not limited to:

     - Single parent
     - Socioeconomic status of family
     - First generation attending college
     - Overcoming adversity
     - Resident of an underserved and/or health professions shortage area of the state
     - Cultural background
     - Other information in the file

   - Because the University is a public institution, preference is given to applicants who are legal residents of Texas and to applicants from states without colleges of pharmacy.

### 2. The Weight Given to Race/Ethnicity

Race/ethnicity would be added as one factor among the other factors considered as part of the contextual factors that are listed above. No particular weight would be given to race or ethnicity.

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4. The applicant must remove all deficiencies in high school units by the means prescribed in General Information before seeking admission to the professional curriculum.

### 3. Quotas and Goals

No numerical goal or quota will be set for specific racial or ethnic groups among the transfer applicants.

### 4. Consideration of Alternatives

The Pharmacy Scholars Program is available to highly qualified high school seniors entering the University of Texas at El Paso (UTEP) or The University of Texas - Pan American (UT Pan Am). It offers these students conditional admission to The University of Texas at Austin College of Pharmacy once they complete the prepharmacy requirements of the program at The University of Texas at El Paso or The University of Texas Pan American. Although a valuable race-neutral method, the Pharmacy Scholars Program has not been adequate to produce a level of diversity that is educationally desirable nor the level that adequately produces a visibly diverse leadership class.

### 5. Periodic Review

The proposed holistic, full-file procedure will be reviewed in five years, with the next review occurring in 2009.

### 6. Proposed Policy

The proposed policy is to add race and ethnicity among the many factors that are already considered in admission to the College of Pharmacy.

## General Conclusion

Since 1997, no other university in the United States has had more experience with race-neutrality in admission or made greater good-faith attempts to achieve critical mass and diversity than The University of Texas at Austin. Experience has shown that there is no single way to achieve classroom diversity consistent with a high-quality educational experience. The race-neutral strategies used by the University and described above have not produced a critical mass of underrepresented minority students at the classroom level. There is no reason to believe that they will do so in the future unless enrollment is allowed to increase to unmanageable and irresponsible levels.

Race-neutral policies have been very useful in producing a student body of strong academic ability and should not be abandoned entirely. Therefore, The University seeks to continue these or similar policies and to combine them with a consideration of race and ethnicity in the admission process. This race-conscious consideration will be integrated into aholistic, individual assessment of each student's background and record.

THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF ADMISSIONS

***IMPLEMENTATION AND RESULTS OF THE TEXAS AUTOMATIC ADMISSIONS LAW (HB 588) at THE UNIVERSITY OF TEXAS AT AUSTIN***

**DEMOGRAPHIC ANALYSIS OF ENTERING FRESHMEN FALL 2006**

***ACADEMIC PERFORMANCE OF TOP 10% AND NON-TOP 10% STUDENTS* ACADEMIC YEARS 1996-2005**

Prepared by:

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**Introduction to Volume I**

This is the ninth in a series of reports on the demographic makeup of Top 10% students entering The University of Texas at Austin. These reports were developed to provide easy access to understandable data for the press, the general public, policy analysts, political decision-makers, and fellow academicians.

The Texas Top 10% Law (HB 588) requires the automatic admission of any student graduating in the top 10% of an accredited Texas high school.

As in past reports, the entering summer/fall class of 1996 is a comparison group. It was the last year in which students were admitted under a classic admissions model using affirmative action to assist in the accomplishment of the University's diversity goals.[1] (Affirmative Action was re-introduced to the admissions process with the entering class of 2005.) The continuation and graduation rates of these students are illustrated in a companion to this report.

*This paper is designed to present simple, descriptive statistics relative to graduates of Texas high schools matriculating as entering freshmen from 1996-2006. This is not a position paper. It is not an evaluation of past or present affirmative action policies. It is not a proposed blueprint for other universities or public institutions seeking diversity. It is not representative of the higher education experience in all of Texas. It is merely another chapter about what has happened at The University of Texas at Austin the year before the interruption of affirmative action (1996), the years in which there was no affirmative action (1997-2004), and its return (2005 and 2006).*

**Admissions at The University of Texas at Austin**

During the years immediately preceding *Hopwood*, The University of Texas used what has been described as a "Classic Model" for making admissions decisions. It included factors that allowed for the easy and efficient processing of very large numbers of applications. Decisions were made after distributing students in descending order based on a predicted freshman grade point average. The prediction formula, a multiple regression equation, relied on the combined SAT score (or a concorded ACT score) and high school class rank. The ACT/SAT, like virtually all standardized tests at all levels of education, has a well-documented history of differential performance gaps among socio-economic, gender, and racial-ethnic groups.[2] Strict adherence to such a mechanical procedure would have produced classes with unacceptably low diversity levels, and thus, adversely impacting the educational experience for all students. At the time, in order to enroll a freshman class bearing some resemblance to the state itself, the University used affirmative action. This policy was in place until *Hopwood* forced its removal in 1997. The last freshman class admitted to UT Austin under such a classic model was for summer/fall of 1996.

With the entering class of 1997, the University's admission policy expanded to include the following factors:

1. **The Academic Index (AI)**
   High School Record:
   - Class rank
   - Completion of UT required high school curriculum
   - Extent to which students exceed the UT required units
   - SAT/ACT score

2. **The Personal Achievement Index (PAI)**
   - Scores on two essays
   - Leadership
   - Extracurricular Activities
   - Awards/honors
   - Work experience
   - Service to school or community
   - Special circumstances:
     - Socio-economic status of family
     - Single parent home
     - Language spoken at home
     - Family responsibilities
     - Socio-economic status of school attended
     - Average SAT/ACT of school attended in relation to student's own SAT/ACT

Beginning with the entering class of 2005, race/ethnicity was added to the list of special circumstances. Test scores and class rank are still considered, but the ambition to tackle rigorous high school coursework, the production of quality prose, the desire to make a difference in one's school, home, or community, evidence of employability (work), and some sense of having excelled in any number of areas are also considered. Moreover, admissions officials place these attributes in the context of the circumstances under which the student lived. Since 1997, the rational, thoughtful, and reasoned judgments of people complemented prediction formulas. Throughout the United States this is called the "holistic approach." The University of Texas implemented an admissions routine that analyzes the qualities each applicant would bring to an entering freshman class.

**Demographic Analysis—1996-2006**

Table 1 below illustrates the numbers of applicants, admits, and enrolled students from 1996 through 2006. Throughout this report, n-counts include first-time freshmen for the fall plus those entering during the preceding summer and continuing into the fall. Since the size of the entering classes ranges from 6430 to 7935 it is most appropriate to focus on percentages.

***Important note:* Table 1 and Table 2 are the only tables illustrating all first-time freshmen. Table 1a, 2a, 3 and those that follow illustrate the graduates of Texas high schools only. Graduates of Texas high schools are isolated because HB 588 grants an automatic admission entitlement only to graduates of public and accredited non-public high schools in Texas. For this reason, the n-counts and other data reported here will not match official first time freshman data reported by the Office of Institutional Research in its Statistical Handbook.**

Notes to researchers:

Concise descriptions of UT Austin's admissions policies by year are as follows:

- 1996—The Classic Admissions model (as described above) including ACT/SAT/class rank with an affirmative action plan.
- 1997—Use of the "AI" (as described above), the "PAI" (as described above), with an institutional policy admitting the top 10%, and no affirmative action policy—the result of the *Hopwood* decision.
- 1998-2004—Use of the "AI", the "PAI", with HB 588 mandated automatic admission of the top 10%, and no affirmative action policy—the result of the *Hopwood* decision.
- 2005—Use of the "AI", the "PAI", with HB 588 mandated automatic admission of the top 10%, and the reinstatement of affirmative action (as described above)—the result of the *Grutter* decision.

***Drops in SAT averages from 2005 to 2006 were common throughout the US, especially for large institutions, and was due in part to changes made on the SAT 1: Reasoning Test. Students in the 2006 cohort were the first class to take the "New SAT," which was 40 minutes longer, included a 25-minute writing sample, and much more expensive (from $25 to $41). The College Board reports that nationwide and institution-level score declines are likely the result of dramatically reduced multiple test-taking by students. Multiple test-taking usually results in higher scores for an individual. The average ACT Composite score, a test that did not change or see any change in test-taking behaviors in its population, remained steady at 20.[3]***

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[1] See the text of HB 588 on the University of Texas Admissions Research website at: http://www.utexas.edu/student/research/reports/admissions/HB588Law.htm. For a more in depth discussion of the Classic Model of Admissions see Bruce Walker and Gary Lavergne, "Affirmative Action and Percentage Plans", *College Board Review*, May 2001 no. 193, p. 18-23.

[2] Throughout their histories, both the SAT and the ACT have recorded gaps in mean scores among different racial/ethnic groups and by household incomes. The annual report for the SAT is called the *College-Bound Senior Report* and the ACT is called the *ACT Profile*. These reports are issued nationally and by state.

[3] See http://www.collegeboard.com/satscores/letter.html

Table 1
Applicants/Admits/First-Time Enrolled Freshmen
Summers and Falls Combined
1996-2006

THE UNIVERSITY OF TEXAS AT AUSTIN
Volume I

Revised December 6, 2007

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**All Freshmen Applications**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 10584 | 61% | 119 | 1% | 809 | 5% | 2363 | 14% | 2492 | 14% | 886 | 5% | | | 17263 | 100% |
| 1997 | 9134 | 61% | 87 | 0% | 639 | 4% | 2184 | 15% | 1956 | 13% | 948 | 6% | 57 | 0% | 14982 | 100% |
| 1998 | 10138 | 68% | 94 | 1% | 660 | 4% | 2401 | 16% | 2336 | 14% | 958 | 6% | 118 | 1% | 16797 | 100% |
| 1999 | 11051 | 68% | 87 | 0% | 1030 | 6% | 2888 | 18% | 2831 | 18% | 1180 | 6% | 64 | 0% | 18830 | 100% |
| 2000 | 12737 | 68% | 107 | 0% | 1186 | 6% | 2839 | 15% | 3087 | 16% | 1404 | 7% | 79 | 0% | 21539 | 100% |
| 2001 | 11723 | 66% | 127 | 1% | 1053 | 6% | 3123 | 18% | 3164 | 18% | 1573 | 9% | 123 | 1% | 20986 | 100% |
| 2002 | 12603 | 57% | 110 | 0% | 1158 | 5% | 3899 | 18% | 3487 | 16% | 1447 | 7% | 114 | 1% | 22178 | 100% |
| 2003 | 13944 | 57% | 111 | 0% | 1351 | 6% | 3438 | 14% | 4101 | 17% | 1477 | 6% | 98 | 0% | 24619 | 100% |
| 2004 | 12417 | 54% | 127 | 1% | 1456 | 6% | 3807 | 17% | 4036 | 18% | 1571 | 7% | 140 | 1% | 23696 | 100% |
| 2005 | 12552 | 53% | 124 | 1% | 1562 | 6% | 3483 | 15% | 4457 | 19% | 1700 | 7% | 57 | 0% | 23935 | 100% |
| 2006 | 14301 | 52% | 178 | 1% | 1915 | 7% | 4066 | 15% | 5148 | 19% | 1741 | 6% | 27 | 0% | 27316 | 100% |

**All Freshmen Admits**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 7167 | 63% | 63 | 1% | 501 | 4% | 3064 | 27% | 1761 | 15% | 310 | 3% | | | 11466 | 100% |
| 1997 | 7984 | 69% | 64 | 0% | 419 | 3% | 2230 | 19% | 1502 | 13% | 312 | 3% | 10 | 0% | 12289 | 100% |
| 1998 | 7859 | 64% | 59 | 0% | 401 | 3% | 2402 | 20% | 1620 | 14% | 262 | 2% | 42 | 0% | 11875 | 100% |
| 1999 | 7421 | 63% | 47 | 0% | 517 | 4% | 1979 | 17% | 1706 | 14% | 248 | 2% | 41 | 0% | 11949 | 100% |
| 2000 | 8162 | 62% | 59 | 0% | 562 | 4% | 2161 | 16% | 1823 | 14% | 471 | 4% | 28 | 0% | 13266 | 100% |
| 2001 | 7787 | 61% | 68 | 1% | 446 | 3% | 2188 | 17% | 1815 | 14% | 366 | 3% | 65 | 1% | 12735 | 100% |
| 2002 | 8256 | 61% | 61 | 0% | 494 | 4% | 2288 | 17% | 1945 | 14% | 329 | 2% | 41 | 0% | 13470 | 100% |
| 2003 | 8852 | 66% | 57 | 0% | 448 | 4% | 1991 | 15% | 1786 | 13% | 348 | 3% | 33 | 0% | 13564 | 100% |
| 2004 | 6814 | 59% | 53 | 0% | 589 | 5% | 2813 | 24% | 1911 | 16% | 360 | 3% | 38 | 0% | 11778 | 100% |
| 2005 | 6745 | 58% | 59 | 0% | 617 | 5% | 2299 | 19% | 2163 | 18% | 466 | 4% | 29 | 0% | 12297 | 100% |
| 2006 | 7280 | 56% | 68 | 1% | 663 | 5% | 2314 | 17% | 2408 | 18% | 647 | 5% | 8 | 0% | 13387 | 100% |

**All Enrolled First-time Freshmen**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 4159 | 66% | 34 | 1% | 266 | 4% | 843 | 13% | 932 | 14% | 97 | 2% | | | 6439 | 100% |
| 1997 | 4730 | 67% | 36 | 1% | 190 | 3% | 1139 | 16% | 922 | 13% | 107 | 2% | | | 7086 | 100% |
| 1998 | 4369 | 66% | 37 | 1% | 199 | 3% | 1139 | 17% | 891 | 13% | 83 | 1% | 2 | 0% | 6744 | 100% |
| 1999 | 4447 | 63% | 38 | 0% | 286 | 4% | 1221 | 17% | 978 | 14% | 82 | 1% | | | 7049 | 100% |
| 2000 | 4801 | 62% | 52 | 0% | 298 | 4% | 1305 | 17% | 1011 | 13% | 217 | 3% | 4 | 0% | 7688 | 100% |
| 2001 | 4447 | 61% | 34 | 0% | 242 | 3% | 1410 | 19% | 1024 | 14% | 139 | 2% | 36 | 1% | 7337 | 100% |
| 2002 | 4882 | 62% | 36 | 0% | 272 | 3% | 1462 | 18% | 1137 | 14% | 157 | 2% | | | 7936 | 100% |
| 2003 | 3666 | 69% | 19 | 0% | 257 | 4% | 1169 | 19% | 1089 | 16% | 156 | 2% | 15 | 0% | 6644 | 100% |
| 2004 | 3901 | 67% | 28 | 0% | 309 | 5% | 1218 | 18% | 1149 | 17% | 173 | 3% | 18 | 0% | 6796 | 100% |
| 2005 | 3836 | 66% | 33 | 0% | 361 | 5% | 1182 | 17% | 1244 | 18% | 236 | 3% | 18 | 0% | 6912 | 100% |
| 2006 | 4029 | 54% | 36 | 1% | 387 | 5% | 1327 | 18% | 1389 | 19% | 249 | 3% | 2 | 0% | 7421 | 100% |

THE UNIVERSITY OF TEXAS AT AUSTIN
Volume I

Revised December 6, 2007

Table 1a
First-Time Enrolled Freshmen from Texas High Schools
Summers and Falls Combined
1996-2006

**Top 10% First-Time Enrolled Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 1497 | 62% | 8 | 0% | 91 | 4% | 430 | 18% | 366 | 15% | 6 | 0% | | | 2428 | 100% |
| 1997 | 1408 | 60% | 10 | 0% | 80 | 3% | 505 | 22% | 358 | 15% | * | * | * | * | 2332 | 100% |
| 1998 | 1497 | 60% | 9 | 0% | 86 | 3% | 549 | 22% | 414 | 16% | 5 | 0% | | | 2513 | 100% |
| 1999 | 1620 | 60% | 10 | 0% | 160 | 6% | 609 | 23% | 513 | 19% | 10 | 0% | 3 | 0% | 2926 | 100% |
| 2000 | 1921 | 57% | 9 | 0% | 156 | 5% | 853 | 25% | 591 | 18% | 16 | 0% | 1 | 0% | 3346 | 100% |
| 2001 | 1942 | 57% | 10 | 0% | 137 | 4% | 716 | 21% | 575 | 17% | 25 | 1% | 16 | 0% | 3423 | 100% |
| 2002 | 2203 | 56% | 19 | 0% | 156 | 4% | 800 | 20% | 703 | 18% | 51 | 1% | | | 3932 | 100% |
| 2003 | 2378 | 55% | 16 | 0% | 194 | 5% | 781 | 18% | 856 | 20% | 51 | 1% | 2 | 0% | 4288 | 100% |
| 2004 | 2270 | 54% | 20 | 0% | 225 | 5% | 776 | 18% | 887 | 21% | 60 | 1% | 3 | 0% | 4241 | 100% |
| 2005 | 2286 | 52% | 16 | 0% | 252 | 6% | 762 | 18% | 988 | 23% | 86 | 2% | | | 4391 | 100% |
| 2006 | 2524 | 51% | 29 | 0% | 288 | 6% | 1004 | 20% | 1048 | 21% | 109 | 2% | 1 | 0% | 4982 | 100% |

**Non-Top 10% First-Time Enrolled Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 2215 | 68% | 21 | 1% | 184 | 6% | 491 | 15% | 508 | 16% | 8 | 0% | | | 3378 | 100% |
| 1997 | 2781 | 69% | 22 | 1% | 135 | 3% | 597 | 15% | 519 | 13% | 9 | 0% | | | 4033 | 100% |
| 1998 | 2457 | 68% | 24 | 1% | 119 | 3% | 542 | 15% | 441 | 12% | 14 | 0% | | | 3597 | 100% |
| 1999 | 2472 | 68% | 14 | 0% | 113 | 3% | 589 | 16% | 434 | 12% | 7 | 0% | 7 | 0% | 3636 | 100% |
| 2000 | 2529 | 68% | 21 | 1% | 129 | 3% | 688 | 18% | 401 | 11% | 25 | 1% | 2 | 0% | 3713 | 100% |
| 2001 | 2078 | 64% | 20 | 1% | 98 | 3% | 637 | 19% | 438 | 13% | 15 | 0% | 13 | 0% | 3299 | 100% |
| 2002 | 2186 | 66% | 12 | 0% | 88 | 3% | 582 | 17% | 411 | 12% | 30 | 1% | | | 3362 | 100% |
| 2003 | 1202 | 67% | * | * | 84 | 4% | 309 | 17% | 199 | 11% | 36 | 2% | * | * | 1884 | 100% |
| 2004 | 1384 | 64% | 8 | 0% | 77 | 4% | 389 | 18% | 281 | 13% | 44 | 2% | 5 | 0% | 2157 | 100% |
| 2005 | 1230 | 62% | 10 | 1% | 87 | 4% | 380 | 19% | 284 | 13% | 44 | 2% | 12 | 1% | 1997 | 100% |
| 2006 | 1163 | 59% | 28 | 1% | 110 | 6% | 382 | 19% | 314 | 16% | 39 | 2% | | | 1962 | 100% |

**All Enrolled First-time Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1996 | 3712 | 64% | 29 | 0% | 266 | 4% | 921 | 16% | 902 | 16% | 14 | 0% | | | 5806 | 100% |
| 1997 | 4189 | 66% | 32 | 1% | 185 | 3% | 1072 | 17% | 877 | 14% | 10 | 0% | | | 6365 | 100% |
| 1998 | 3954 | 65% | 33 | 1% | 205 | 3% | 1091 | 17% | 855 | 14% | 19 | 0% | | | 6110 | 100% |
| 1999 | 4092 | 63% | 24 | 0% | 273 | 4% | 1198 | 18% | 947 | 14% | 17 | 0% | 10 | 0% | 6521 | 100% |
| 2000 | 4450 | 63% | 30 | 0% | 285 | 4% | 1541 | 22% | 992 | 14% | 41 | 1% | 3 | 0% | 7059 | 100% |
| 2001 | 4018 | 60% | 30 | 0% | 235 | 4% | 1353 | 20% | 1001 | 15% | 40 | 1% | 29 | 0% | 6676 | 100% |
| 2002 | 4391 | 61% | 31 | 0% | 256 | 4% | 1382 | 19% | 1114 | 15% | 81 | 1% | | | 7234 | 100% |
| 2003 | 3580 | 59% | 10 | 0% | 256 | 4% | 1089 | 18% | 1067 | 17% | 88 | 2% | 3 | 0% | 6093 | 100% |
| 2004 | 3964 | 57% | 28 | 0% | 302 | 5% | 1164 | 16% | 1136 | 16% | 104 | 2% | 8 | 0% | 6398 | 100% |
| 2005 | 3516 | 56% | 23 | 0% | 339 | 5% | 1132 | 18% | 1230 | 19% | 129 | 2% | 12 | 0% | 6388 | 100% |
| 2006 | 3687 | 54% | 33 | 0% | 378 | 5% | 1266 | 18% | 1363 | 20% | 148 | 2% | 1 | 0% | 6944 | 100% |

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Table 2

TOP 10% STUDENTS ADMITTED TO UT AUSTIN BY RACIAL/ETHNIC BACKGROUND

HB 588 Automatic Admits divided by (" / " ) Total Admits

Summer/Fall 1999-2006

| ETHNICITY | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 2753/7421 | 37% | 3182/8162 | 39% | 3213/7787 | 41% | 3627/8258 | 43% | 3996/6852 | 58% | 3817/6814 | 56% | 3887/6745 | 58% | 4297/7280 | 59% |
| African American | 268/517 | 52% | 291/582 | 53% | 245/445 | 55% | 278/494 | 56% | 326/448 | 73% | 428/589 | 76% | 441/617 | 71% | 463/683 | 68% |
| Asian American | 998/1970 | 51% | 1034/2151 | 48% | 1081/2198 | 49% | 1211/2298 | 53% | 1250/1991 | 63% | 1257/2013 | 62% | 1302/2076 | 63% | 1572/2315 | 68% |
| Hispanic | 911/1705 | 53% | 1020/1823 | 56% | 1012/1815 | 56% | 1177/1945 | 61% | 1424/1795 | 79% | 1451/1911 | 76% | 1656/2183 | 76% | 1790/2406 | 74% |

Table 2a

TOP 10% STUDENTS ADMITTED TO UT AUSTIN BY RACIAL/ETHNIC BACKGROUND

HB 588 Automatic Admits divided by (" / " ) Admits from Texas High Schools

Summer/Fall 1999-2006

| ETHNICITY | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 2753/6664 | 41% | 3182/7194 | 44% | 3213/6629 | 48% | 3627/8998 | 81% | 3996/6004 | 67% | 3817/6132 | 62% | 3887/5908 | 66% | 4297/6268 | 69% |
| African American | 268/491 | 55% | 291/531 | 55% | 245/434 | 56% | 278/462 | 60% | 326/425 | 77% | 428/553 | 77% | 441/592 | 74% | 463/661 | 70% |
| Asian American | 998/1826 | 55% | 1034/1841 | 53% | 1081/1909 | 57% | 1211/1985 | 61% | 1250/1725 | 72% | 1257/1823 | 69% | 1302/1865 | 70% | 1572/2060 | 76% |
| Hispanic | 911/1643 | 55% | 1020/1753 | 58% | 1012/1714 | 59% | 1177/1817 | 65% | 1424/1745 | 82% | 1451/1860 | 78% | 1656/2119 | 78% | 1790/2318 | 77% |

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Table 2bi

UNIVERSITY OF TEXAS ENTERING FRESHMAN CLASSES

Breakout of Top 10% Status

Enrolled Students from Texas High Schools

Summer/Fall 1996-2006

| | TX Grads | Top 10% | | Non-Top 10% | |
|---|---|---|---|---|---|
| | N | N | % | N | % |
| 1996 | 5803 | 2428 | 42% | 3375 | 58% |
| 1997 | 6365 | 2332 | 37% | 4033 | 63% |
| 1998 | 6110 | 2513 | 41% | 3597 | 59% |
| 1999 | 6521 | 2925 | 45% | 3596 | 55% |
| 2000 | 7059 | 3346 | 47% | 3713 | 53% |
| 2001 | 6678 | 3423 | 51% | 3255 | 49% |
| 2002 | 7234 | 3932 | 54% | 3302 | 46% |
| 2003 | 6093 | 4289 | 70% | 1804 | 30% |
| 2004 | 6398 | 4241 | 66% | 2157 | 34% |
| 2005 | 6368 | 4391 | 69% | 1967 | 31% |
| 2006 | 6864 | 4902 | 71% | 1962 | 29% |

Table 3

MEAN COLLEGE ADMISSION TEST SCORES OF ENROLLED TOP 10% AND NON-TOP 10% STUDENTS

Graduates of Texas High Schools

Summer/Fall 1996-2006

Note: The ranges below, and throughout this report, represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date.

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Top 10% | 1253 | 1249 | 1243 | 1231 | 1226 | 1225 | 1226 | 1223 | 1221 | 1228 | 1220 |
| Non-Top 10% | 1197 | 1180 | 1193 | 1185 | 1206 | 1215 | 1222 | 1257 | 1258 | 1277 | 1257 |
| Total | 1220 | 1205 | 1214 | 1210 | 1216 | 1220 | 1224 | 1233 | 1233 | 1242 | 1230 |

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Table 4a

**SAT SCORE RANGES FOR ENROLLED FRESHMEN TOP 10% STUDENTS**

**Graduates of Texas High Schools**

**Summer/Fall 1996-2006**

Note: The ranges below, and throughout this report, represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date.

| SAT | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| <900 | 15 | 1 | 16 | 1 | 27 | 1 | 68 | 2 | 82 | 2 | 81 | 2 | 98 | 3 | 128 | 3 | 135 | 3 | 129 | 3 | 171 | 3 |
| 900-990 | 54 | 2 | 76 | 3 | 89 | 4 | 122 | 4 | 176 | 5 | 190 | 6 | 223 | 6 | 258 | 6 | 263 | 6 | 247 | 6 | 298 | 6 |
| 1000-1090 | 297 | 12 | 251 | 11 | 309 | 12 | 376 | 13 | 439 | 13 | 440 | 13 | 522 | 13 | 572 | 13 | 560 | 13 | 570 | 13 | 690 | 14 |
| 1100-1190 | 475 | 20 | 439 | 18 | 473 | 19 | 540 | 18 | 669 | 20 | 662 | 20 | 728 | 19 | 805 | 19 | 801 | 19 | 844 | 19 | 891 | 18 |
| 1200-1290 | 622 | 26 | 632 | 27 | 664 | 26 | 782 | 28 | 810 | 24 | 811 | 24 | 933 | 24 | 1025 | 24 | 1004 | 24 | 1026 | 23 | 1145 | 23 |
| 1300-1390 | 557 | 23 | 546 | 23 | 557 | 22 | 636 | 22 | 676 | 20 | 704 | 21 | 848 | 22 | 841 | 20 | 830 | 20 | 883 | 20 | 949 | 19 |
| 1400-1490 | 305 | 13 | 300 | 13 | 300 | 12 | 330 | 11 | 381 | 11 | 369 | 11 | 481 | 12 | 499 | 12 | 478 | 11 | 507 | 12 | 547 | 11 |
| 1500+ | 103 | 4 | 72 | 3 | 94 | 4 | 98 | 3 | 114 | 3 | 112 | 3 | 119 | 3 | 183 | 4 | 169 | 4 | 205 | 5 | 211 | 4 |
| Total | 2428 | 100 | 2332 | 100 | 2513 | 100 | 2825 | 100 | 3348 | 100 | 3423 | 100 | 3932 | 100 | 4299 | 100 | 4241 | 100 | 4391 | 100 | 4902 | 100 |
| SAT Mean | 1253 | | 1240 | | 1243 | | 1231 | | 1226 | | 1225 | | 1226 | | 1223 | | 1221 | | 1226 | | 1220 | |

Table 4b

**SAT SCORE RANGES FOR ENROLLED FRESHMEN NON-TOP 10% STUDENTS**

**Graduates of Texas High Schools**

**Summer/Fall 1996-2006**

Note: The sum of the SAT intervals in 2005 may not equal to the total because 14 entering freshmen were specially enrolled "Hurricane Katrina" students who had no test scores.

| SAT | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| <900 | 40 | 1 | 77 | 2 | 52 | 1 | 47 | 1 | 45 | 1 | 49 | 1 | 43 | 1 | 30 | 1 | 36 | 2 | 30 | 2 | 56 | 3 |
| 900-990 | 151 | 4 | 226 | 6 | 169 | 5 | 188 | 5 | 117 | 3 | 98 | 3 | 96 | 3 | 43 | 2 | 47 | 2 | 41 | 2 | 69 | 4 |
| 1000-1090 | 482 | 14 | 741 | 19 | 560 | 16 | 662 | 17 | 531 | 14 | 539 | 13 | 374 | 11 | 128 | 7 | 130 | 6 | 140 | 7 | 142 | 7 |
| 1100-1190 | 948 | 28 | 1118 | 28 | 1009 | 29 | 896 | 23 | 1005 | 27 | 1109 | 28 | 776 | 24 | 274 | 15 | 397 | 18 | 233 | 12 | 305 | 16 |
| 1200-1290 | 1046 | 31 | 1105 | 27 | 1009 | 28 | 1019 | 26 | 1155 | 31 | 1272 | 33 | 1074 | 33 | 577 | 32 | 639 | 30 | 584 | 28 | 504 | 26 |
| 1300-1390 | 513 | 15 | 582 | 14 | 591 | 16 | 844 | 21 | 611 | 16 | 632 | 16 | 655 | 20 | 491 | 27 | 608 | 28 | 599 | 28 | 578 | 29 |
| 1400-1490 | 166 | 5 | 181 | 4 | 178 | 5 | 202 | 5 | 183 | 5 | 209 | 5 | 239 | 7 | 209 | 12 | 247 | 11 | 202 | 10 | 244 | 12 |
| 1500+ | 29 | 1 | 33 | 1 | 29 | 1 | 32 | 1 | 56 | 2 | 46 | 1 | 45 | 1 | 51 | 3 | 53 | 2 | 74 | 4 | 64 | 3 |
| Total | 3375 | 100 | 4023 | 100 | 3597 | 100 | 3998 | 100 | 3713 | 100 | 3955 | 100 | 3382 | 100 | 1804 | 100 | 2157 | 100 | 1997 | 100 | 1962 | 100 |
| SAT Mean | 1197 | | 1196 | | 1193 | | 1183 | | 1206 | | 1210 | | 1222 | | 1257 | | 1258 | | 1277 | | 1257 | |

Table 5
TASP/TSI RESULTS FOR TOP 10% AND NON-TOP 10% STUDENTS
1997-2006

| | Exempt (%) | | Passed (%) | | Remediation (%) | | Total (n-count) | |
|---|---|---|---|---|---|---|---|---|
| | Top 10% | Other | Top 10% | Other | Top 10% | Other | Top 10% | Other |
| 1997 | 78 | 79 | 19 | 18 | 2 | 3 | 2332 | 4003 |
| 1998 | 86 | 82 | 10 | 15 | 1 | 3 | 2513 | 3597 |
| 1999 | 90 | 85 | 9 | 14 | 1 | 1 | 2925 | 3596 |
| 2000 | 90 | 88 | 8 | 10 | 1 | 1 | 3346 | 3713 |
| 2001 | 91 | 91 | 8 | 8 | 1 | 1 | 3423 | 3256 |
| 2002 | 96 | 95 | 4 | 5 | <1 | 1 | 3932 | 3302 |
| 2003 | 97 | 97 | 2 | 3 | <1 | <1 | 4288 | 1804 |
| 2004 | 94 | 96 | 4 | 3 | 2 | 1 | 4341 | 2157 |
| 2005 | 87 | 93 | 11 | 5 | 2 | 2 | 4391 | 1997 |
| 2006 | 90 | 92 | 9 | 6 | 1 | 2 | 4902 | 1962 |

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Table 6
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools

| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 15 | 2.81 | 40 | 2.11 | [illegible] | [illegible] | [illegible] | [illegible] | 27 | 2.34 | 52 | 2.38 | 68 | 2.62 | 47 | 2.49 | 82 | 2.52 | 45 | 2.49 |
| 900-990 | 54 | 2.58 | 151 | 2.46 | [illegible] | [illegible] | [illegible] | [illegible] | 88 | 2.69 | 198 | 2.57 | 122 | 2.65 | 161 | 2.49 | 176 | 2.86 | 117 | 2.61 |
| 1000-1090 | 267 | 2.83 | 482 | 2.59 | [illegible] | [illegible] | [illegible] | [illegible] | 300 | 2.89 | 580 | 2.69 | 376 | 2.88 | 622 | 2.68 | 436 | 2.94 | 531 | 2.89 |
| 1100-1190 | 475 | 3.04 | 648 | 2.82 | [illegible] | [illegible] | [illegible] | [illegible] | 473 | 2.97 | 1009 | 2.67 | 540 | 3.09 | 695 | 2.83 | 669 | 3.09 | 1005 | 2.79 |
| 1200-1290 | 622 | 3.19 | 1048 | 2.87 | [illegible] | [illegible] | [illegible] | [illegible] | 664 | 3.22 | 1009 | 2.76 | 762 | 3.23 | 1018 | 2.84 | 810 | 3.28 | 1155 | 2.87 |
| 1300-1390 | 557 | 3.39 | 513 | 2.76 | [illegible] | [illegible] | [illegible] | [illegible] | 567 | 3.46 | 561 | 2.88 | 658 | 3.47 | 644 | 2.88 | 675 | 3.50 | 611 | 3.06 |
| 1400-1490 | 305 | 3.66 | 166 | 3.67 | [illegible] | [illegible] | [illegible] | [illegible] | 300 | 3.66 | 178 | 3.16 | 324 | 3.66 | 202 | 3.11 | 361 | 3.67 | 183 | 3.27 |
| 1500+ | 103 | 3.66 | 29 | 3.66 | [illegible] | [illegible] | [illegible] | [illegible] | 94 | 3.74 | 29 | 3.38 | 98 | 3.81 | 37 | 3.46 | 114 | 3.78 | 56 | 3.13 |
| Total/Mean | 2428 | 3.21 | 3375 | 2.66 | [illegible] | [illegible] | [illegible] | [illegible] | 2513 | 3.23 | 3597 | 2.72 | 2858 | 3.35 | 3456 | 2.76 | 3346 | 3.38 | 3713 | 2.84 |
| SAT Mean | 1253 | | 1197 | | 1249 | | 1189 | | 1243 | | 1183 | | 1231 | | 1183 | | 1228 | | 1206 | |

Table 6 (continued from above)
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools

Note: The sum of the SAT intervals in 2005 may not equal to the total because 14 entering freshmen were specially enrolled "Hurricane Katrina" students who had no test scores.

| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 81 | 2.52 | 10 | 2.46 | [illegible] | [illegible] | [illegible] | [illegible] | 128 | 2.89 | 30 | 2.17 | 138 | 2.57 | 38 | 2.34 | 120 | 2.33 | 30 | 2.35 |
| 900-990 | 190 | 2.75 | 96 | 2.89 | [illegible] | [illegible] | [illegible] | [illegible] | 258 | 2.71 | 43 | 2.48 | 262 | 2.89 | 47 | 2.36 | 247 | 2.89 | 41 | 2.76 |
| 1000-1090 | 440 | 2.87 | 435 | 2.67 | [illegible] | [illegible] | [illegible] | [illegible] | 572 | 2.89 | 128 | 2.76 | 588 | 2.82 | 193 | 2.79 | 570 | 2.89 | 140 | 2.53 |
| 1100-1190 | 682 | 3.08 | 808 | 2.76 | [illegible] | [illegible] | [illegible] | [illegible] | 836 | 3.09 | 214 | 2.84 | 886 | 3.08 | 309 | 2.89 | 842 | 3.09 | 233 | 2.79 |
| 1200-1290 | 811 | 3.28 | 1072 | 2.87 | [illegible] | [illegible] | [illegible] | [illegible] | 1022 | 3.28 | 377 | 3.02 | 1083 | 3.29 | 488 | 2.91 | 1028 | 3.31 | 564 | 2.89 |
| 1300-1390 | 704 | 3.5 | 572 | 3.16 | [illegible] | [illegible] | [illegible] | [illegible] | 841 | 3.51 | 481 | 3.16 | 880 | 3.48 | 488 | 3.17 | 883 | 3.44 | 588 | 3.13 |
| 1400-1490 | 383 | 3.67 | 226 | 3.34 | [illegible] | [illegible] | [illegible] | [illegible] | 488 | 3.68 | 238 | 3.38 | 478 | 3.68 | 247 | 3.19 | 607 | 3.64 | 302 | 3.27 |
| 1500+ | 112 | 3.78 | 45 | 3.37 | [illegible] | [illegible] | [illegible] | [illegible] | 163 | 3.81 | 51 | 3.81 | 188 | 3.76 | 68 | 3.34 | 205 | 3.82 | 74 | 3.48 |
| Total/Mean | 3423 | 3.24 | 3256 | 2.86 | [illegible] | [illegible] | [illegible] | [illegible] | 4389 | 3.34 | 1894 | 2.95 | 4844 | 3.31 | 3167 | 2.89 | 4391 | 3.18 | 1997 | 2.82 |
| SAT Mean | 1225 | | 1216 | | [illegible] | | [illegible] | | 1223 | | 1207 | | 1221 | | 1209 | | 1226 | | 1277 | |

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Table 6a
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
White Students

| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | | | 13 | 2.83 | * | * | 27 | 2.58 | 5 | 2.48 | 11 | 2.61 | 7 | 2.72 | 16 | 2.48 | 6 | 2.52 | 15 | 2.48 |
| 900-950 | 5 | 2.89 | 62 | 2.54 | 17 | 3.00 | 82 | 2.56 | 23 | 2.63 | 77 | 2.44 | 25 | 2.86 | 76 | 2.61 | 33 | 2.87 | 63 | 2.56 |
| 1000-1090 | 119 | 2.79 | 253 | 2.6 | 114 | 2.76 | 484 | 2.56 | 120 | 2.86 | 340 | 2.69 | 141 | 2.96 | 388 | 2.61 | 160 | 2.88 | 328 | 2.69 |
| 1100-1190 | 280 | 3.04 | 606 | 2.66 | 240 | 3.00 | 777 | 2.69 | 280 | 2.97 | 720 | 2.67 | 271 | 3.13 | 670 | 2.66 | 372 | 3.06 | 705 | 2.76 |
| 1200-1290 | 397 | 3.14 | 764 | 2.67 | 414 | 3.25 | 823 | 2.68 | 427 | 3.22 | 712 | 2.76 | 483 | 3.36 | 744 | 2.83 | 540 | 3.29 | 814 | 2.88 |
| 1300-1390 | 400 | 3.48 | 371 | 2.76 | 350 | 3.39 | 412 | 2.88 | 361 | 3.44 | 480 | 2.82 | 409 | 3.48 | 405 | 2.97 | 450 | 3.47 | 439 | 3.05 |
| 1400-1490 | 210 | 3.61 | 121 | 3.09 | 217 | 3.67 | 130 | 3.07 | 188 | 3.63 | 124 | 3.16 | 220 | 3.63 | 141 | 3.19 | 261 | 3.65 | 130 | 3.25 |
| 1500+ | 77 | 3.66 | 23 | 3.19 | 54 | 3.84 | 28 | 3.56 | 65 | 3.72 | 23 | 3.36 | 64 | 3.69 | 25 | 3.39 | 78 | 3.76 | 35 | 3.25 |
| Total/Mean | 1487 | 3.34 | 2215 | 2.69 | 1486 | 3.39 | 2971 | 2.65 | 1487 | 3.38 | 2457 | 2.73 | 1628 | 3.52 | 2472 | 2.77 | 1821 | 3.51 | 2529 | 2.84 |
| SAT Mean | 1280 | | 1214 | | 1278 | | 1184 | | 1267 | | 1206 | | 1287 | | 1205 | | 1282 | | 1212 | |

Table 6a (continued from above)
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
White Students

| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 7 | 1.81 | 6 | 2.38 | 6 | 1.48 | * | * | 12 | 2.68 | * | * | 5 | 2.88 | 6 | 2.23 | 11 | 2.40 | 6 | 2.31 |
| 900-950 | 50 | 2.81 | 39 | 2.85 | 46 | 2.64 | 38 | 2.84 | 54 | 2.89 | 14 | 2.48 | 65 | 2.72 | 17 | 2.58 | 48 | 2.68 | 10 | 2.36 |
| 1000-1090 | 195 | 2.99 | 244 | 2.89 | 215 | 2.85 | 209 | 2.87 | 221 | 2.86 | 74 | 2.75 | 205 | 2.85 | 68 | 2.69 | 185 | 2.82 | 84 | 2.73 |
| 1100-1190 | 396 | 3.06 | 510 | 2.76 | 401 | 2.84 | 408 | 2.82 | 448 | 3.16 | 183 | 2.89 | 444 | 3.11 | 282 | 2.76 | 425 | 3.09 | 151 | 2.89 |
| 1200-1290 | 537 | 3.26 | 728 | 2.88 | 508 | 3.07 | 775 | 2.85 | 651 | 3.25 | 421 | 3.06 | 615 | 3.39 | 433 | 3.04 | 621 | 3.23 | 362 | 3.02 |
| 1300-1390 | 460 | 3.47 | 366 | 3.12 | 380 | 3.39 | 448 | 3.07 | 574 | 3.59 | 333 | 3.14 | 642 | 3.48 | 421 | 3.16 | 571 | 3.47 | 405 | 3.13 |
| 1400-1490 | 256 | 3.66 | 137 | 3.30 | 276 | 3.65 | 162 | 3.35 | 328 | 3.66 | 144 | 3.29 | 505 | 3.62 | 147 | 3.31 | 321 | 3.63 | 199 | 3.29 |
| 1500+ | 66 | 3.81 | 26 | 3.26 | 72 | 3.73 | 31 | 3.48 | 82 | 3.76 | 28 | 3.35 | 99 | 3.78 | 30 | 3.29 | 106 | 3.89 | 50 | 3.47 |
| Total/Mean | 1943 | 3.28 | 2678 | 2.87 | 2303 | 3.36 | 2169 | 3.04 | 2378 | 3.53 | 1262 | 3.06 | 2278 | 3.31 | 1564 | 3.02 | 2288 | 3.28 | 1230 | 3.08 |
| SAT Mean | 1257 | | 1223 | | 1281 | | 1226 | | 1282 | | 1267 | | 1282 | | 1267 | | 1268 | | 1295 | |

Table 6b
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
African American Students

| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | * | * | 12 | 2.39 | * | * | 23 | 2.62 | * | * | 16 | 2.25 | 23 | 2.49 | 13 | 2.39 | 25 | 2.48 | 11 | 2.29 |
| 900-990 | 5 | 1.84 | 18 | 2.48 | 8 | 2.56 | 29 | 2.37 | 9 | 2.76 | 18 | 2.47 | 30 | 2.86 | 18 | 2.48 | 29 | 2.83 | 15 | 2.87 |
| 1000-1090 | 27 | 2.88 | 51 | 2.89 | 41 | 2.79 | 51 | 2.58 | 22 | 2.66 | 25 | 2.83 | 40 | 3.02 | 30 | 2.48 | 36 | 2.99 | 25 | 2.84 |
| 1100-1190 | 29 | 2.71 | 50 | 2.66 | 42 | 3.01 | 54 | 2.48 | 19 | 3.12 | 25 | 2.76 | 38 | 2.83 | 28 | 2.82 | 27 | 3.02 | 30 | 2.82 |
| 1200-1290 | 23 | 3.24 | 28 | 2.29 | 14 | 3.58 | 15 | 2.67 | 11 | 3.67 | 22 | 2.89 | 22 | 3.16 | 16 | 2.89 | 27 | 3.05 | 25 | 2.88 |
| 1300-1390 | 5 | 3.24 | 7 | 2.23 | * | * | * | * | * | * | 8 | 3.10 | 8 | 3.34 | 5 | 2.81 | 11 | 3.36 | 11 | 3.02 |
| 1400-1490 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 1500+ | | | * | * | * | * | * | * | * | * | * | * | | | * | * | * | * | * | * |
| Total/Mean | 91 | 2.84 | 164 | 2.48 | 86 | 3.08 | 156 | 2.51 | 88 | 2.96 | 119 | 2.66 | 160 | 2.94 | 113 | 2.68 | 156 | 2.91 | 129 | 2.70 |
| SAT Mean | 1130 | | 1100 | | 1139 | | 1038 | | 1111 | | 1061 | | 1058 | | 1080 | | 1068 | | 1122 | |

Table 6b (continued from above)
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
African American Students

| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 22 | 2.20 | 8 | 2.37 | 23 | 2.56 | 16 | 2.82 | 31 | 2.19 | 12 | 2.34 | 46 | 1.97 | 13 | 2.24 | 45 | 2.18 | 12 | 2.32 |
| 900-990 | 19 | 2.68 | 8 | 2.46 | 27 | 2.73 | 12 | 2.68 | 30 | 2.82 | 11 | 2.35 | 40 | 2.51 | 8 | 1.88 | 35 | 2.31 | 8 | 2.13 |
| 1000-1090 | 38 | 2.74 | 22 | 2.82 | 46 | 2.84 | 38 | 2.88 | 61 | 2.74 | 10 | 2.36 | 64 | 2.81 | 11 | 2.42 | 66 | 2.88 | 11 | 1.86 |
| 1100-1190 | 29 | 2.82 | 22 | 2.88 | 16 | 2.85 | 21 | 2.79 | 30 | 2.93 | 14 | 2.89 | 34 | 2.86 | 13 | 2.84 | 50 | 2.88 | 23 | 2.82 |
| 1200-1290 | 23 | 3.31 | 31 | 2.76 | 28 | 3.22 | 34 | 2.93 | 31 | 3.33 | 12 | 3.07 | 33 | 3.11 | 19 | 2.82 | 42 | 3.08 | 16 | 2.70 |
| 1300-1390 | 5 | 3.81 | 6 | 3.86 | 28 | 3.59 | 30 | 3.57 | 8 | 3.57 | * | * | 14 | 3.33 | 10 | 3.12 | 11 | 3.21 | 14 | 2.98 |
| 1400-1490 | * | * | | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 1500+ | * | * | | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Total/Mean | 137 | 2.81 | 96 | 2.68 | 188 | 2.84 | 99 | 2.44 | 194 | 2.79 | 64 | 2.56 | 225 | 2.69 | 77 | 2.58 | 252 | 2.68 | 87 | 2.50 |
| SAT Mean | 1068 | | 1137 | | 1068 | | 1070 | | 1063 | | 1065 | | 1048 | | 1116 | | 1059 | | 1118 | |

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Table 6c
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
Asian American Students

| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | * | * | * | * | [illegible] | [illegible] | 8 | 3.31 | | | * | * | * | * | * | * | 10 | 2.56 | 5 | 2.29 |
| 900-950 | 7 | 2.80 | 18 | 2.62 | 15 | 2.73 | 33 | 2.86 | 13 | 2.83 | 25 | 2.38 | 17 | 3.06 | 26 | 2.63 | 22 | 3.00 | 19 | 2.78 |
| 1000-1050 | 44 | 3.11 | 52 | 2.67 | 37 | 2.87 | 64 | 2.93 | 50 | 3.09 | 90 | 2.87 | 61 | 2.98 | 80 | 2.87 | 78 | 3.02 | 76 | 2.76 |
| 1100-1150 | 77 | 3.12 | 135 | 2.89 | 87 | 3.00 | 138 | 2.96 | 78 | 3.12 | 150 | 2.76 | 105 | 3.06 | 146 | 2.89 | 116 | 3.25 | 139 | 2.74 |
| 1200-1250 | 113 | 3.30 | 153 | 2.72 | 132 | 3.09 | 208 | 2.99 | 137 | 3.22 | 161 | 2.84 | 133 | 3.22 | 154 | 2.89 | 133 | 3.32 | 169 | 2.96 |
| 1300-1350 | 98 | 3.48 | 86 | 2.86 | 109 | 3.49 | 142 | 3.06 | 120 | 3.49 | 86 | 3.08 | 109 | 3.39 | 91 | 3.04 | 156 | 3.58 | 115 | 3.15 |
| 1400-1450 | 66 | 3.72 | 31 | 3.34 | 87 | 3.65 | 58 | 3.31 | 84 | 3.71 | 33 | 2.87 | 82 | 3.70 | 47 | 3.11 | 103 | 3.72 | 48 | 3.28 |
| 1500+ | 23 | 3.88 | * | * | 18 | 3.87 | 26 | 3.54 | 26 | 3.76 | * | * | 32 | 3.86 | 10 | 3.69 | 33 | 3.76 | 13 | 3.64 |
| Total/Mean | 430 | 3.38 | 481 | 2.74 | 485 | 3.38 | 687 | 2.93 | 518 | 3.38 | 542 | 2.79 | 539 | 3.35 | 559 | 2.8 | 653 | 3.49 | 504 | 2.84 |
| SAT Mean | 1272 | | 1213 | | 1283 | | 1192 | | 1277 | | 1201 | | 1268 | | 1210 | | 1257 | | 1225 | |

Table 6c (continued from above)
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2006
Graduates of Texas High Schools
Asian American Students

| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 0 | 2.63 | * | * | [illegible] | [illegible] | [illegible] | [illegible] | 0 | 2.61 | * | * | 12 | 2.46 | [illegible] | [illegible] | 11 | 2.38 | * | * |
| 900-950 | 34 | 2.89 | 12 | 2.63 | 30 | 2.82 | [illegible] | [illegible] | 27 | 2.78 | 5 | 2.88 | 30 | 2.42 | [illegible] | [illegible] | 24 | 2.88 | * | * |
| 1000-1050 | 76 | 2.89 | 61 | 2.86 | 88 | 2.85 | [illegible] | [illegible] | 68 | 2.88 | 14 | 3.02 | 88 | 2.83 | 11 | 3.11 | 86 | 2.76 | 23 | 2.18 |
| 1100-1150 | 116 | 3.14 | 144 | 2.89 | 147 | 3.17 | [illegible] | [illegible] | 109 | 3.28 | 36 | 2.99 | 116 | 3.19 | 82 | 2.99 | 124 | 3.11 | 30 | 2.82 |
| 1200-1250 | 144 | 3.39 | 187 | 2.99 | 168 | 3.30 | [illegible] | [illegible] | 187 | 3.33 | 66 | 3.08 | 179 | 3.36 | 109 | 3.03 | 170 | 3.28 | 74 | 3.01 |
| 1300-1350 | 185 | 3.66 | 129 | 3.09 | 147 | 3.58 | [illegible] | [illegible] | 162 | 3.61 | 100 | 3.39 | 170 | 3.49 | 118 | 3.28 | 157 | 3.39 | 122 | 3.23 |
| 1400-1450 | 114 | 3.73 | 57 | 3.14 | 108 | 3.66 | [illegible] | [illegible] | 128 | 3.72 | 54 | 3.37 | 138 | 3.70 | 79 | 3.39 | 141 | 3.69 | 75 | 3.29 |
| 1500+ | 40 | 3.78 | 18 | 3.32 | 44 | 3.84 | [illegible] | [illegible] | 61 | 3.87 | 19 | 3.53 | 64 | 3.89 | 18 | 3.66 | 90 | 3.83 | 23 | 3.52 |
| Total/Mean | 718 | 3.35 | 667 | 2.96 | 688 | 3.38 | [illegible] | [illegible] | 781 | 3.41 | 299 | 3.17 | 778 | 3.38 | 369 | 3.11 | 782 | 3.33 | 360 | 3.11 |
| SAT Mean | 1262 | | 1242 | | 1272 | | 1242 | | 1278 | | 1300 | | 1288 | | 1284 | | 1288 | | 1322 | |

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Table 6d
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
Hispanic Students

| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 11 | 2.61 | 12 | 2.11 | 9 | 2.11 | 21 | 2.86 | 20 | 2.29 | 19 | 2.62 | 32 | 2.75 | 15 | 2.49 | 38 | 2.57 | 14 | 2.73 |
| 900-990 | 36 | 2.54 | 54 | 2.64 | 41 | 2.83 | 97 | 2.92 | 44 | 2.88 | 40 | 2.25 | 60 | 2.71 | 58 | 2.41 | 90 | 2.83 | 19 | 2.80 |
| 1000-1090 | 105 | 2.80 | 124 | 2.43 | 98 | 2.94 | 138 | 2.86 | 113 | 2.84 | 100 | 2.84 | 130 | 2.76 | 103 | 2.81 | 144 | 2.96 | 95 | 2.58 |
| 1100-1190 | 88 | 3.06 | 140 | 2.51 | 85 | 3.01 | 144 | 2.92 | 95 | 2.83 | 114 | 2.84 | 128 | 3.09 | 110 | 2.88 | 150 | 3.01 | 109 | 2.80 |
| 1200-1290 | 84 | 3.15 | 112 | 2.88 | 71 | 3.18 | 87 | 2.91 | 86 | 3.10 | 102 | 2.84 | 116 | 3.16 | 82 | 2.81 | 102 | 3.22 | 109 | 2.88 |
| 1300-1390 | 51 | 3.26 | 43 | 2.83 | 64 | 3.39 | 66 | 2.83 | 36 | 3.43 | 50 | 2.88 | 47 | 3.38 | 34 | 2.82 | 51 | 3.47 | 41 | 2.92 |
| 1400-1490 | 18 | 3.69 | 10 | 2.31 | 10 | 3.39 | 24 | 3.09 | 14 | 3.68 | 18 | 3.48 | 10 | 3.78 | 11 | 3.38 | 14 | 3.80 | 9 | 3.38 |
| 1500+ | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | 5 | 3.42 |
| Total/Mean | 396 | 3.00 | 508 | 2.62 | 388 | 2.97 | 556 | 2.89 | 414 | 2.98 | 441 | 2.89 | 543 | 3 | 454 | 2.64 | 591 | 3.04 | 401 | 2.78 |
| SAT Mean | 1158 | | 1136 | | 1147 | | 1128 | | 1134 | | 1140 | | 1129 | | 1128 | | 1114 | | 1158 | |

Table 6d (continued from above)
FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE
Entering 1996-2005
Graduates of Texas High Schools
Hispanic Students

| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 43 | 2.81 | 8 | 2.84 | 82 | 2.96 | 98 | 3.14 | 71 | 2.81 | 11 | 2.66 | 87 | 2.84 | 9 | 2.33 | 66 | 2.42 | 13 | 2.39 |
| 900-990 | 86 | 2.86 | 58 | 2.84 | 112 | 2.89 | 96 | 3.06 | 146 | 2.87 | 12 | 3.09 | 131 | 2.89 | 17 | 2.44 | 135 | 2.89 | 15 | 3.16 |
| 1000-1090 | 149 | 2.87 | 107 | 2.85 | 188 | 3.07 | 97 | 3.07 | 211 | 2.89 | 38 | 2.86 | 228 | 2.73 | 38 | 2.89 | 259 | 2.83 | 40 | 2.63 |
| 1100-1190 | 143 | 3.13 | 116 | 2.89 | 168 | 3.16 | 109 | 3.08 | 205 | 3.01 | 35 | 2.83 | 182 | 3.02 | 64 | 2.73 | 225 | 2.89 | 41 | 2.87 |
| 1200-1290 | 93 | 3.28 | 111 | 2.83 | 107 | 3.30 | 108 | 2.93 | 134 | 3.21 | 65 | 3.02 | 169 | 3.14 | 61 | 2.73 | 177 | 3.11 | 60 | 2.86 |
| 1300-1390 | 41 | 3.32 | 37 | 2.86 | 179 | 3.39 | 123 | 3.06 | 66 | 3.31 | 41 | 2.87 | 81 | 3.27 | 48 | 3.16 | 102 | 3.43 | 44 | 2.93 |
| 1400-1490 | 15 | 3.56 | 11 | 3.09 | 118 | 3.59 | 54 | 3.46 | 33 | 3.47 | 5 | 3.22 | 26 | 3.69 | 13 | 3.12 | 27 | 3.48 | 20 | 3.25 |
| 1500+ | 5 | 3.74 | * | * | 23 | 3.83 | 11 | 3.70 | * | * | * | * | * | * | * | * | 5 | 3.84 | * | * |
| Total/Mean | 575 | 3.04 | 428 | 2.71 | 788 | 3.20 | 501 | 3.07 | 868 | 2.98 | 168 | 2.87 | 887 | 2.92 | 261 | 2.81 | 866 | 2.94 | 264 | 2.86 |
| SAT Mean | 1169 | | 1148 | | 1493 | | 1196 | | 1188 | | 1180 | | 1119 | | 1109 | | 1122 | | 1193 | |

Table 7a

**SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY**

**Entering 1996**

Note: N-counts below represent students with a college admissions test score. SAT means represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date. Students with no hours toward a GPA were excluded from the computation of the GPA mean. On very rare occasions students are admitted as freshmen to Pharmacy. Those are included in the total but are not listed.

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 27 | 1296 | 3.16 | [illegible] | [illegible] | [illegible] | * | * | * | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Business | 318 | 1277 | 3.26 | 20 | 1165 | 3.02 | 97 | 1276 | 3.43 | 7 | 1236 | 3.42 | 38 | 1276 | 3.24 |
| Communication | 129 | 1223 | 3.10 | [illegible] | [illegible] | [illegible] | 16 | 1211 | 3.28 | 59 | 1176 | 3.23 | 486 | 1281 | 3.34 |
| Education | 43 | 1184 | 3.08 | [illegible] | [illegible] | [illegible] | 6 | 1238 | 3.89 | 27 | 1186 | 3.13 | 167 | 1206 | 3.08 |
| Engineering | 208 | 1336 | 3.36 | 46 | 1229 | 3.39 | 83 | 1346 | 3.44 | 6 | 1086 | 3.16 | 85 | 1171 | 3.13 |
| Fine Arts | 48 | 1288 | 3.48 | [illegible] | [illegible] | [illegible] | * | * | * | 48 | 1221 | 2.88 | 374 | 1309 | 3.28 |
| Liberal Arts | 371 | 1293 | 3.27 | 17 | 1102 | 3.02 | 55 | 1288 | 3.37 | 17 | 1119 | 2.97 | 69 | 1234 | 3.30 |
| Natural Science | 333 | 1274 | 3.11 | 16 | 1108 | 2.87 | 157 | 1241 | 3.34 | 104 | 1134 | 2.89 | 548 | 1258 | 3.20 |
| Nursing | 19 | 1164 | 3.01 | [illegible] | [illegible] | [illegible] | * | * | * | 99 | 1142 | 2.86 | 613 | 1240 | 3.14 |
| Social Work | * | * | * | [illegible] | [illegible] | [illegible] | * | * | * | 7 | 1083 | 2.88 | 35 | 1131 | 2.88 |
| Total | 1487 | 1280 | 3.24 | 91 | 1139 | 2.84 | 439 | 1272 | 3.38 | 388 | 1168 | 3.09 | * | * | * |
| | | | | | | | | | | | | | 2428 | 1253 | 3.21 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 17 | 1312 | 2.82 | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | 19 | 1314 | 2.97 |
| Business | 219 | 1279 | 2.99 | [illegible] | [illegible] | [illegible] | 82 | 1284 | 3.34 | 40 | 1179 | 2.86 | 337 | 1282 | 3.06 |
| Communication | 282 | 1166 | 2.72 | [illegible] | [illegible] | [illegible] | 27 | 1234 | 2.77 | 45 | 1136 | 2.82 | 373 | 1166 | 2.89 |
| Education | 71 | 1149 | 2.71 | [illegible] | [illegible] | [illegible] | 8 | 1239 | 2.91 | 16 | 1146 | 2.46 | 105 | 1139 | 2.86 |
| Engineering | 196 | 1281 | 2.76 | [illegible] | [illegible] | [illegible] | 89 | 1252 | 2.78 | 58 | 1171 | 2.85 | 330 | 1241 | 2.74 |
| Fine Arts | 132 | 1208 | 2.88 | [illegible] | [illegible] | [illegible] | 8 | 1288 | 3.84 | 16 | 1161 | 2.88 | 164 | 1188 | 2.84 |
| Liberal Arts | 897 | 1189 | 2.89 | [illegible] | [illegible] | [illegible] | 126 | 1189 | 2.86 | 216 | 1183 | 2.48 | 1308 | 1167 | 2.86 |
| Natural Science | 369 | 1239 | 2.86 | [illegible] | [illegible] | [illegible] | 166 | 1211 | 2.83 | 103 | 1167 | 2.90 | 679 | 1215 | 2.83 |
| Nursing | 27 | 1157 | 3.08 | [illegible] | [illegible] | [illegible] | * | * | * | 8 | 1224 | 2.15 | 40 | 1164 | 2.73 |
| Social Work | 5 | 1194 | 2.82 | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | 10 | 1142 | 2.83 |
| Total | 2215 | 1214 | 2.88 | 164 | 1169 | 2.48 | 461 | 1213 | 2.74 | 506 | 1136 | 2.83 | 3375 | 1197 | 2.86 |

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Table 7b

SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY

Entering 1997

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 16 | 1264 | 3.56 | * | * | * | * | * | * | * | * | * | 21 | 1256 | 3.55 |
| Business | 307 | 1272 | 3.38 | 5 | 1150 | 3.03 | 120 | 1298 | 3.47 | 46 | 1211 | 3.33 | 479 | 1272 | 3.39 |
| Communication | 121 | 1246 | 3.27 | 6 | 1223 | 3.06 | 13 | 1236 | 3.43 | 32 | 1127 | 3.16 | 172 | 1223 | 3.27 |
| Education | 34 | 1169 | 3.13 | * | * | * | 7 | 1166 | 3.13 | 12 | 1113 | 3.05 | 54 | 1148 | 3.12 |
| Engineering | 217 | 1328 | 3.28 | 8 | 1105 | 3.26 | 109 | 1311 | 3.26 | 70 | 1142 | 2.79 | 406 | 1289 | 3.19 |
| Fine Arts | 44 | 1238 | 3.39 | * | * | * | * | * | * | 8 | 1169 | 3.21 | 57 | 1231 | 3.31 |
| Liberal Arts | 361 | 1291 | 3.26 | 16 | 1099 | 3.05 | 56 | 1263 | 3.29 | 77 | 1169 | 3.04 | 497 | 1256 | 3.24 |
| Natural Science | 302 | 1264 | 3.16 | 11 | 1109 | 2.94 | 186 | 1221 | 3.19 | 84 | 1144 | 2.93 | 607 | 1227 | 3.13 |
| Nursing | 15 | 1169 | 2.95 | * | * | * | * | * | * | 15 | 1013 | 2.84 | 34 | 1089 | 2.93 |
| Social Work | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Total | 1408 | 1275 | 3.29 | 68 | 1139 | 3.09 | 896 | 1263 | 3.29 | 356 | 1147 | 2.99 | 2332 | 1248 | 3.23 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 30 | 1244 | 2.82 | * | * | * | * | * | * | * | * | * | 34 | 1254 | 2.24 |
| Business | 288 | 1267 | 3.06 | 9 | 1044 | 2.74 | 85 | 1258 | 3.26 | 33 | 1214 | 3.14 | 411 | 1269 | 3.11 |
| Communication | 274 | 1177 | 2.67 | 6 | 1139 | 2.63 | 16 | 1186 | 2.88 | 48 | 1139 | 2.62 | 348 | 1171 | 2.83 |
| Education | 134 | 1094 | 2.48 | 15 | 976 | 2.36 | 14 | 1096 | 2.86 | 27 | 1041 | 2.69 | 188 | 1079 | 2.50 |
| Engineering | 248 | 1273 | 2.71 | 11 | 1069 | 2.67 | 76 | 1264 | 2.89 | 55 | 1217 | 2.62 | 395 | 1239 | 2.72 |
| Fine Arts | 131 | 1162 | 2.68 | 6 | 994 | 2.86 | 10 | 1131 | 2.73 | 19 | 1164 | 2.82 | 171 | 1148 | 2.78 |
| Liberal Arts | 1076 | 1176 | 2.84 | 39 | 1089 | 2.81 | 147 | 1169 | 2.43 | 203 | 1169 | 2.47 | 1466 | 1157 | 2.58 |
| Natural Science | 543 | 1283 | 2.84 | 26 | 1043 | 2.76 | 209 | 1176 | 2.84 | 123 | 1116 | 2.62 | 910 | 1161 | 2.64 |
| Nursing | 48 | 1167 | 2.47 | * | * | * | * | * | * | 9 | 1169 | 2.89 | 82 | 1119 | 2.56 |
| Social Work | 13 | 1181 | 2.78 | * | * | * | * | * | * | * | * | * | 16 | 1119 | 2.81 |
| Total | 2781 | 1194 | 2.85 | 136 | 1039 | 2.71 | 867 | 1193 | 2.73 | 518 | 1128 | 2.55 | 4833 | 1180 | 2.64 |

Table 7c
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 1998

Top 10%

| College/School | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 24 | 1296 | 3.38 | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | 29 | 1298 | 3.34 |
| Business | 382 | 1264 | 3.28 | 21 | 1106 | 3.09 | 141 | 1282 | 3.49 | 78 | 1111 | 2.99 | 625 | 1243 | 3.27 |
| Communication | 121 | 1227 | 3.33 | [illegible] | 1110 | 2.84 | 19 | 1268 | 3.26 | 31 | 1183 | 2.94 | 178 | 1206 | 3.24 |
| Education | 28 | 1184 | 3.17 | [illegible] | [illegible] | [illegible] | * | * | * | 16 | 1021 | 2.69 | 50 | 1120 | 3.09 |
| Engineering | 261 | 1329 | 3.31 | [illegible] | [illegible] | [illegible] | 126 | 1318 | 3.36 | 84 | 1108 | 2.96 | 497 | 1296 | 3.27 |
| Fine Arts | 42 | 1282 | 3.42 | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | 46 | 1233 | 3.38 |
| Liberal Arts | 284 | 1363 | 3.26 | [illegible] | [illegible] | [illegible] | 54 | 1198 | 3.42 | 74 | 1139 | 3.01 | 432 | 1237 | 3.22 |
| Natural Science | 314 | 1253 | 3.17 | [illegible] | [illegible] | [illegible] | 167 | 1348 | 3.29 | 118 | 1107 | 2.89 | 621 | 1239 | 3.17 |
| Nursing | 19 | 1107 | 3.01 | [illegible] | [illegible] | [illegible] | * | * | * | 6 | 1000 | 2.73 | 29 | 1183 | 3.04 |
| Social Work | * | * | * | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | * | * | * |
| Total | 1487 | 1287 | 3.26 | 88 | 1118 | 2.95 | 519 | 1277 | 3.35 | 414 | 1134 | 2.96 | 2513 | 1243 | 3.23 |

Non-Top 10%

| College/School | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 18 | 1234 | 2.86 | [illegible] | [illegible] | [illegible] | * | * | * | * | * | * | 21 | 1312 | 2.89 |
| Business | 125 | 1290 | 3.06 | [illegible] | 1103 | 2.84 | 25 | 1288 | 3.18 | 12 | 1102 | 2.97 | 170 | 1278 | 3.06 |
| Communication | 135 | 1249 | 2.93 | [illegible] | [illegible] | [illegible] | 9 | 1284 | 3.35 | 27 | 1143 | 2.83 | 177 | 1228 | 2.91 |
| Education | 91 | 1142 | 2.82 | [illegible] | [illegible] | [illegible] | 6 | 1080 | 2.85 | 10 | 1102 | 2.86 | 111 | 1137 | 2.88 |
| Engineering | 281 | 1284 | 2.87 | [illegible] | [illegible] | [illegible] | 95 | 1257 | 2.83 | 49 | 1226 | 2.85 | 447 | 1270 | 2.71 |
| Fine Arts | 108 | 1186 | 2.96 | [illegible] | [illegible] | [illegible] | 8 | 1171 | 3.37 | 18 | 1132 | 2.84 | 135 | 1177 | 2.89 |
| Liberal Arts | 1165 | 1186 | 2.73 | [illegible] | [illegible] | [illegible] | 174 | 1169 | 2.72 | 212 | 1110 | 2.63 | 1623 | 1164 | 2.71 |
| Natural Science | 490 | 1212 | 2.86 | [illegible] | 1149 | 2.76 | 217 | 1196 | 2.77 | 105 | 1161 | 2.69 | 844 | 1189 | 2.80 |
| Nursing | 31 | 1121 | 2.81 | [illegible] | [illegible] | [illegible] | 6 | 1167 | 2.75 | * | * | * | 43 | 1164 | 2.76 |
| Social Work | 15 | 1139 | 2.53 | [illegible] | [illegible] | [illegible] | * | * | * | 8 | 1163 | 2.57 | 28 | 1138 | 2.62 |
| Total | 2457 | 1286 | 2.73 | 118 | 1091 | 2.86 | 543 | 1291 | 2.78 | 441 | 1148 | 2.89 | 3597 | 1183 | 2.72 |

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Table 7d
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 1999

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Whites | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 20 | 1368 | 3.32 | * | * | * | * | * | * | * | * | * | 23 | 1362 | 3.27 |
| Business | 400 | 1262 | 3.40 | 38 | 1086 | 2.89 | 173 | 1289 | 3.43 | 99 | 1146 | 3.09 | 715 | 1233 | 3.34 |
| Communication | 164 | 1239 | 3.31 | 10 | 1126 | 3.19 | 18 | 1250 | 3.29 | 41 | 1121 | 3.15 | 234 | 1214 | 3.28 |
| Education | 39 | 1133 | 3.29 | 6 | 894 | 2.73 | * | * | * | 15 | 1012 | 3.08 | 62 | 1074 | 3.11 |
| Engineering | 274 | 1314 | 3.26 | 28 | 1088 | 2.35 | 142 | 1319 | 3.36 | 116 | 1163 | 2.90 | 566 | 1271 | 3.20 |
| Fine Arts | 53 | 1273 | 3.52 | 3 | 1048 | 3.44 | * | * | * | 12 | 1164 | 3.23 | 72 | 1237 | 3.45 |
| Liberal Arts | 314 | 1274 | 3.33 | 28 | 1014 | 2.89 | 54 | 1264 | 3.40 | 86 | 1119 | 3.11 | 490 | 1230 | 3.27 |
| Natural Science | 332 | 1288 | 3.28 | 40 | 1089 | 2.97 | 211 | 1246 | 3.38 | 137 | 1115 | 2.88 | 725 | 1219 | 3.19 |
| Nursing | 24 | 1182 | 3.11 | 4 | 1076 | 2.94 | 6 | 1185 | 2.94 | * | * | * | 37 | 1152 | 3.03 |
| Social Work | | | | * | * | * | * | * | * | * | * | * | * | * | * |
| Total | 1629 | 1267 | 3.32 | 168 | 1059 | 2.94 | 609 | 1288 | 3.36 | 613 | 1128 | 3.00 | 2925 | 1231 | 3.25 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Whites | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 11 | 1346 | 2.83 | * | * | * | * | * | * | * | * | * | 13 | 1335 | 3.00 |
| Business | 94 | 1294 | 2.96 | 6 | 1146 | 2.84 | 21 | 1344 | 3.23 | 13 | 1247 | 2.96 | 139 | 1290 | 3.00 |
| Communication | 171 | 1290 | 3.07 | 5 | * | * | 11 | 1294 | 3.36 | 21 | 1289 | 2.98 | 206 | 1252 | 3.07 |
| Education | 120 | 1114 | 2.76 | 5 | 1086 | 2.98 | 8 | 1184 | 2.82 | 12 | 1062 | 2.89 | 147 | 1186 | 2.75 |
| Engineering | 307 | 1263 | 2.81 | 33 | 1046 | 2.84 | 116 | 1271 | 2.73 | 69 | 1157 | 2.43 | 500 | 1244 | 2.63 |
| Fine Arts | 110 | 1178 | 2.90 | 5 | * | * | 5 | 1184 | 2.74 | 14 | 1096 | 2.81 | 133 | 1163 | 2.82 |
| Liberal Arts | 1038 | 1184 | 2.89 | 58 | 1086 | 2.63 | 178 | 1168 | 2.81 | 189 | 1098 | 2.72 | 1470 | 1163 | 2.78 |
| Natural Science | 585 | 1217 | 2.89 | 22 | 1148 | 2.83 | 212 | 1289 | 2.75 | 108 | 1139 | 2.56 | 935 | 1205 | 2.89 |
| Nursing | 25 | 1123 | 2.75 | * | * | * | * | * | * | * | * | * | 34 | 1130 | 2.74 |
| Social Work | 11 | 1136 | 2.83 | * | * | * | * | * | * | * | * | * | 19 | 1138 | 2.84 |
| Total | 2472 | 1266 | 2.77 | 112 | 1098 | 2.88 | 589 | 1210 | 2.89 | 424 | 1128 | 2.84 | 3596 | 1193 | 2.76 |

Table 7e

**SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY**

Entering 2000

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 19 | 1343 | 3.81 | * | * | * | * | * | * | * | * | * | 24 | 1330 | 3.81 |
| Business | 517 | 1261 | 3.29 | 39 | 1065 | 2.78 | 207 | 1257 | 3.48 | 132 | 1126 | 3.86 | 901 | 1226 | 3.27 |
| Communication | 214 | 1221 | 3.34 | 9 | 1071 | 2.98 | 18 | 1184 | 3.28 | 9 | 1084 | 3.32 | 290 | 1182 | 3.32 |
| Education | 35 | 1161 | 3.22 | 8 | 1016 | 3.29 | 7 | 1117 | 3.47 | 18 | 1016 | 2.98 | 89 | 1084 | 3.20 |
| Engineering | 291 | 1364 | 3.27 | 22 | 1462 | 3.27 | 153 | 1293 | 3.36 | 129 | 1143 | 2.83 | 600 | 1262 | 3.23 |
| Fine Arts | 53 | 1235 | 3.44 | * | * | * | 7 | 1246 | 3.46 | 22 | 1126 | 2.97 | 87 | 1286 | 3.31 |
| Liberal Arts | 369 | 1279 | 3.36 | 26 | 1069 | 2.94 | 60 | 1263 | 3.49 | 96 | 1089 | 2.94 | 554 | 1235 | 3.29 |
| Natural Science | 402 | 1286 | 3.28 | 39 | 1089 | 2.91 | 193 | 1240 | 3.36 | 133 | 1112 | 3.19 | 776 | 1223 | 3.24 |
| Nursing | 20 | 1162 | 3.48 | * | * | 3.36 | 8 | 1122 | 2.98 | 8 | 1079 | 2.89 | 41 | 1083 | 3.06 |
| Social Work | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Total | 1921 | 1262 | 3.31 | 158 | 1089 | 2.91 | 653 | 1257 | 3.40 | 591 | 1114 | 3.04 | 3348 | 1226 | 3.26 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 10 | 1365 | 3.62 | * | * | * | * | * | * | * | * | * | 16 | 1386 | 3.17 |
| Business | 58 | 1244 | 2.88 | * | * | * | 17 | 1291 | 3.06 | 8 | 1196 | 3.47 | 87 | 1238 | 3.63 |
| Communication | 64 | 1291 | 3.27 | * | * | * | 8 | 1256 | 3.34 | 9 | 1178 | 2.97 | 86 | 1264 | 3.24 |
| Education | 106 | 1142 | 2.91 | * | * | * | 10 | 1181 | 2.89 | 10 | 1049 | 2.89 | 126 | 1136 | 2.89 |
| Engineering | 209 | 1362 | 2.86 | 19 | 1264 | 3.11 | 72 | 1312 | 3.02 | 41 | 1236 | 2.74 | 351 | 1294 | 2.91 |
| Fine Arts | 133 | 1182 | 2.83 | * | * | * | 7 | 1187 | 2.75 | 17 | 1101 | 2.88 | 159 | 1176 | 2.80 |
| Liberal Arts | 1403 | 1186 | 2.86 | 82 | 1086 | 2.86 | 262 | 1177 | 2.93 | 209 | 1139 | 2.84 | 1968 | 1177 | 2.86 |
| Natural Science | 517 | 1246 | 2.76 | 26 | 1171 | 2.63 | 223 | 1251 | 2.89 | 98 | 1168 | 2.67 | 879 | 1238 | 2.78 |
| Nursing | 17 | 1179 | 2.86 | * | * | * | * | * | * | 6 | 1169 | 2.33 | 26 | 1178 | 2.81 |
| Social Work | 13 | 1183 | 2.76 | * | * | * | * | * | * | * | * | * | 16 | 1284 | 2.83 |
| Total | 2529 | 1212 | 2.86 | 129 | 1122 | 2.78 | 606 | 1225 | 2.94 | 401 | 1158 | 2.78 | 3713 | 1205 | 2.86 |

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Table 7f
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 2001

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 31 | 1384 | 3.49 | * | * | * | * | * | * | * | * | * | 40 | 1375 | 3.43 |
| Business | 373 | 1290 | 3.41 | 20 | 1084 | 2.86 | 183 | 1304 | 3.52 | 77 | 1148 | 3.25 | 662 | 1270 | 3.41 |
| Communication | 270 | 1203 | 3.35 | 15 | 1038 | 3.18 | 42 | 1165 | 3.18 | 70 | 1091 | 3.15 | 400 | 1174 | 3.29 |
| Education | 45 | 1149 | 3.32 | 8 | 949 | 2.88 | * | * | * | 13 | 975 | 2.82 | 68 | 1083 | 3.19 |
| Engineering | 329 | 1307 | 3.25 | 36 | 1119 | 2.89 | 167 | 1304 | 3.36 | 120 | 1141 | 2.84 | 646 | 1270 | 3.22 |
| Fine Arts | 56 | 1224 | 3.59 | * | * | * | 9 | 1322 | 3.71 | 13 | 1148 | 3.29 | 80 | 1229 | 3.47 |
| Liberal Arts | 405 | 1238 | 3.27 | 29 | 1036 | 2.86 | 80 | 1203 | 3.26 | 150 | 1109 | 3.10 | 668 | 1197 | 3.23 |
| Natural Science | 408 | 1252 | 3.13 | 40 | 1089 | 2.89 | 225 | 1237 | 3.27 | 132 | 1083 | 2.87 | 814 | 1213 | 3.10 |
| Nursing | 24 | 1152 | 2.98 | 7 | 1074 | 2.85 | * | * | * | 13 | 1034 | 2.89 | 48 | 1163 | 2.96 |
| Social Work | * | * | * | * | * | * | * | * | * | * | * | * | 7 | 1161 | 2.91 |
| Total | 1942 | 1257 | 3.38 | 155 | 1069 | 2.97 | 718 | 1262 | 3.35 | 576 | 1109 | 3.04 | 3423 | 1225 | 3.34 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 8 | 1336 | 2.97 | * | * | * | * | * | * | * | * | * | 12 | 1312 | 2.86 |
| Business | 83 | 1376 | 3.32 | * | * | * | 35 | 1376 | 3.38 | * | * | * | 104 | 1364 | 3.34 |
| Communication | 39 | 1212 | 3.24 | * | * | * | * | * | * | 11 | 1088 | 3.06 | 54 | 1183 | 3.21 |
| Education | 98 | 1136 | 2.98 | * | * | * | 11 | 1185 | 2.79 | 10 | 1103 | 3.13 | 118 | 1138 | 2.98 |
| Engineering | 224 | 1273 | 2.85 | 11 | 1184 | 2.36 | 94 | 1328 | 2.98 | 52 | 1109 | 2.77 | 387 | 1271 | 2.88 |
| Fine Arts | 119 | 1189 | 2.89 | * | * | * | 13 | 1132 | 2.59 | 17 | 1088 | 2.48 | 155 | 1174 | 2.84 |
| Liberal Arts | 978 | 1229 | 2.91 | 41 | 1101 | 2.89 | 177 | 1233 | 2.82 | 177 | 1162 | 2.73 | 1401 | 1209 | 2.88 |
| Natural Science | 484 | 1234 | 2.88 | 30 | 1179 | 2.86 | 258 | 1219 | 2.78 | 138 | 1158 | 2.69 | 920 | 1211 | 2.70 |
| Nursing | 41 | 1137 | 2.78 | * | * | * | 16 | 1103 | 2.97 | 9 | 1053 | 2.73 | 68 | 1119 | 2.86 |
| Social Work | 24 | 1115 | 2.76 | * | * | * | * | * | * | 7 | 1026 | 2.79 | 35 | 1091 | 2.77 |
| Total | 2076 | 1223 | 2.87 | 96 | 1137 | 2.88 | 667 | 1242 | 2.89 | 426 | 1149 | 2.71 | 3295 | 1215 | 2.85 |

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Table 7g
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 2002

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 21 | 1380 | 3.43 | * | * | * | 5 | 1366 | 3.25 | * | * | * | 30 | 1372 | 3.38 |
| Business | 412 | 1296 | 3.44 | 20 | 1053 | 2.82 | 200 | 1311 | 3.54 | 88 | 1166 | 3.23 | 741 | 1275 | 3.42 |
| Communication | 245 | 1342 | 3.35 | 9 | 1052 | 3.07 | 28 | 1256 | 3.46 | 61 | 1129 | 3.31 | 345 | 1215 | 3.35 |
| Education | 46 | 1142 | 3.26 | * | * | * | * | * | * | 30 | 1002 | 2.83 | 83 | 1096 | 3.07 |
| Engineering | 422 | 1387 | 3.27 | 27 | 1077 | 2.86 | 204 | 1308 | 3.37 | 129 | 1142 | 2.83 | 795 | 1272 | 3.22 |
| Fine Arts | 48 | 1254 | 3.62 | * | * | * | 5 | 1386 | 3.61 | 9 | 1033 | 3.09 | 64 | 1237 | 3.47 |
| Liberal Arts | 523 | 1226 | 3.23 | 61 | 1057 | 2.98 | 85 | 1238 | 3.39 | 165 | 1089 | 3.03 | 839 | 1186 | 3.19 |
| Natural Science | 444 | 1257 | 3.16 | 28 | 1053 | 2.72 | 259 | 1236 | 3.39 | 109 | 1062 | 2.83 | 955 | 1208 | 3.14 |
| Nursing | 37 | 1066 | 3.01 | 5 | 882 | 2.66 | 9 | 1181 | 2.71 | 17 | 974 | 2.83 | 71 | 1064 | 2.83 |
| Social Work | 5 | 1128 | 2.78 | * | * | * | * | * | * | * | * | * | 9 | 1007 | 2.77 |
| Total | 2383 | 1261 | 3.28 | 160 | 1009 | 2.84 | 889 | 1272 | 3.36 | 768 | 1163 | 3.01 | 3832 | 1226 | 3.24 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 12 | 1384 | 3.14 | * | * | * | * | * | * | * | * | * | 15 | 1387 | 3.24 |
| Business | 31 | 1348 | 3.21 | * | * | * | 20 | 1481 | 3.37 | * | * | * | 57 | 1348 | 3.33 |
| Communication | 68 | 1329 | 3.35 | * | * | * | 5 | 1380 | 3.38 | * | * | * | 79 | 1322 | 3.28 |
| Education | 121 | 1181 | 3.12 | 26 | 1000 | 2.84 | 14 | 1174 | 3.08 | 21 | 1169 | 2.84 | 181 | 1143 | 3.06 |
| Engineering | 307 | 1274 | 2.79 | 13 | 1089 | 2.61 | 132 | 1283 | 2.74 | 85 | 1086 | 2.62 | 547 | 1262 | 2.76 |
| Fine Arts | 110 | 1286 | 2.89 | * | * | * | 17 | 1148 | 2.78 | 18 | 1143 | 3.06 | 151 | 1192 | 2.97 |
| Liberal Arts | 967 | 1232 | 2.89 | 48 | 1084 | 2.67 | 138 | 1224 | 3.00 | 159 | 1139 | 2.76 | 1316 | 1211 | 2.95 |
| Natural Science | 517 | 1233 | 2.89 | 33 | 1139 | 2.91 | 216 | 1232 | 2.91 | 109 | 1171 | 2.87 | 887 | 1223 | 2.82 |
| Nursing | 29 | 1153 | 2.86 | * | * | * | 13 | 1131 | 2.91 | * | * | * | 47 | 1138 | 2.72 |
| Social Work | 26 | 1137 | 2.86 | * | * | * | 6 | 1153 | 2.82 | 7 | 1164 | 3.12 | 41 | 1126 | 2.94 |
| Total | 2188 | 1236 | 2.94 | 99 | 1078 | 2.44 | 562 | 1242 | 2.83 | 441 | 1156 | 2.77 | 3302 | 1222 | 2.90 |

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Table 7h

SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY

Entering 2003

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 30 | 1364 | 3.37 | * | * | * | 5 | 1354 | 3.44 | * | * | * | 36 | 1362 | 3.39 |
| Business | 351 | 1312 | 3.46 | 24 | 1134 | 2.99 | 153 | 1342 | 3.62 | 94 | 1148 | 3.29 | 636 | 1287 | 3.44 |
| Communication | 214 | 1234 | 3.41 | 16 | 1039 | 3.06 | 21 | 1262 | 3.34 | 57 | 1118 | 3.03 | 313 | 1203 | 3.32 |
| Education | 45 | 1167 | 3.26 | 5 | 968 | 2.28 | 7 | 1139 | 3.26 | 27 | 1069 | 3.02 | 85 | 1060 | 3.12 |
| Engineering | 411 | 1308 | 3.39 | 29 | 1139 | 2.76 | 183 | 1313 | 3.38 | 167 | 1134 | 2.91 | 806 | 1256 | 3.21 |
| Fine Arts | 60 | 1243 | 3.61 | * | * | * | 9 | 1281 | 3.61 | 16 | 1176 | 3.17 | 89 | 1228 | 3.52 |
| Liberal Arts | 681 | 1244 | 3.32 | 46 | 1069 | 2.96 | 95 | 1214 | 3.37 | 237 | 1074 | 3.09 | 1072 | 1164 | 3.23 |
| Natural Science | 519 | 1263 | 3.21 | 55 | 1086 | 2.76 | 298 | 1254 | 3.36 | 228 | 1162 | 2.99 | 1126 | 1212 | 3.16 |
| Nursing | 61 | 1139 | 3.17 | 12 | 995 | 2.49 | 9 | 1096 | 3.29 | 20 | 997 | 2.99 | 103 | 1066 | 2.97 |
| Social Work | 6 | 1180 | 3.89 | * | * | * | * | * | * | 11 | 922 | 2.81 | 20 | 1013 | 2.76 |
| Total | 2378 | 1262 | 3.32 | 194 | 1063 | 2.76 | 781 | 1278 | 3.41 | 865 | 1149 | 2.96 | 4288 | 1223 | 3.24 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 9 | 1387 | 3.44 | * | * | * | * | * | * | * | * | * | 15 | 1364 | 3.44 |
| Business | 23 | 1415 | 3.55 | * | * | * | 5 | 1471 | 3.63 | * | * | * | 32 | 1434 | 3.57 |
| Communication | 6 | 1308 | 3.21 | * | * | * | * | * | * | * | * | * | 8 | 1315 | 3.25 |
| Education | 62 | 1197 | 3.16 | * | * | * | 5 | 1192 | 3.48 | 10 | 1123 | 3.23 | 79 | 1184 | 3.17 |
| Engineering | 218 | 1299 | 2.87 | 9 | 1102 | 2.67 | 90 | 1336 | 3.22 | 41 | 1210 | 2.86 | 373 | 1294 | 2.98 |
| Fine Arts | 82 | 1211 | 3.13 | * | * | * | 9 | 1197 | 3.23 | 14 | 1136 | 2.86 | 109 | 1198 | 3.11 |
| Liberal Arts | 548 | 1301 | 3.12 | 36 | 1087 | 2.43 | 72 | 1282 | 3.19 | 80 | 1282 | 2.86 | 746 | 1346 | 3.08 |
| Natural Science | 238 | 1277 | 2.96 | 15 | 1143 | 2.77 | 112 | 1276 | 3.07 | 46 | 1175 | 2.89 | 420 | 1281 | 2.97 |
| Nursing | * | * | * | * | * | * | * | * | * | * | * | * | 6 | 1063 | 2.81 |
| Social Work | 13 | 1215 | 3.06 | * | * | * | * | * | * | * | * | * | 16 | 1294 | 2.98 |
| Total | 1202 | 1267 | 3.06 | 64 | 1085 | 2.66 | 299 | 1390 | 3.17 | 199 | 1189 | 2.87 | 1804 | 1257 | 3.06 |

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Table 7I
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 2004

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 22 | 1384 | 3.58 | * | * | * | 6 | 1388 | 3.63 | * | * | * | 31 | 1370 | 3.57 |
| Business | 399 | 1297 | 3.43 | 19 | 1092 | 2.89 | 156 | 1332 | 3.80 | 111 | 1180 | 3.11 | 696 | 1278 | 3.40 |
| Communication | 214 | 1281 | 3.49 | 17 | 1084 | 3.18 | 33 | 1254 | 3.51 | 63 | 1139 | 3.34 | 332 | 1218 | 3.45 |
| Education | 49 | 1142 | 3.15 | 13 | 1038 | 2.91 | 6 | 1060 | 2.62 | 36 | 1021 | 2.78 | 104 | 1084 | 2.97 |
| Engineering | 378 | 1323 | 3.29 | 27 | 1088 | 2.39 | 172 | 1342 | 3.33 | 186 | 1148 | 2.78 | 785 | 1274 | 3.15 |
| Fine Arts | 58 | 1286 | 3.61 | * | * | * | * | * | * | 11 | 1157 | 3.48 | 70 | 1250 | 3.53 |
| Liberal Arts | 566 | 1231 | 3.29 | 60 | 1019 | 2.59 | 88 | 1243 | 3.48 | 228 | 1079 | 2.89 | 962 | 1180 | 3.17 |
| Natural Science | 536 | 1247 | 3.14 | 70 | 1057 | 2.63 | 289 | 1246 | 3.33 | 216 | 1114 | 2.88 | 1132 | 1208 | 3.10 |
| Nursing | 41 | 1167 | 3.36 | 15 | 979 | 2.85 | 19 | 1087 | 2.82 | 34 | 976 | 2.63 | 110 | 1083 | 2.96 |
| Social Work | 9 | 1128 | 3.28 | * | * | * | * | * | * | * | * | * | 19 | 1059 | 2.95 |
| Total | 2279 | 1262 | 3.31 | 226 | 1048 | 2.69 | 776 | 1280 | 3.36 | 887 | 1116 | 2.82 | 4241 | 1221 | 3.21 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 10 | 1377 | 2.87 | * | * | * | * | * | * | * | * | * | 13 | 1371 | 2.89 |
| Business | 20 | 1373 | 3.49 | * | * | * | 10 | 1428 | 3.39 | * | * | * | 32 | 1380 | 3.40 |
| Communication | 31 | 1332 | 3.48 | * | * | * | * | * | * | * | * | * | 41 | 1311 | 3.48 |
| Education | 131 | 1186 | 3.08 | * | * | * | 13 | 1183 | 3.09 | 17 | 1118 | 2.74 | 166 | 1176 | 2.96 |
| Engineering | 229 | 1319 | 2.88 | 12 | 1108 | 2.55 | 95 | 1389 | 2.98 | 46 | 1232 | 2.62 | 400 | 1297 | 2.89 |
| Fine Arts | 88 | 1216 | 3.19 | * | * | * | 13 | 1304 | 3.22 | 21 | 1163 | 3.16 | 128 | 1213 | 3.18 |
| Liberal Arts | 569 | 1286 | 3.03 | 37 | 1039 | 2.69 | 70 | 1286 | 3.13 | 93 | 1162 | 2.91 | 774 | 1244 | 2.99 |
| Natural Science | 299 | 1270 | 2.98 | 22 | 1208 | 2.71 | 176 | 1311 | 3.16 | 61 | 1216 | 2.62 | 575 | 1273 | 2.98 |
| Nursing | | | | * | * | * | * | * | * | * | * | * | * | * | * |
| Social Work | 17 | 1248 | 3.46 | * | * | * | 5 | 1228 | 3.22 | * | * | * | 25 | 1242 | 3.29 |
| Total | 1384 | 1267 | 3.02 | 77 | 1116 | 2.68 | 388 | 1304 | 3.11 | 251 | 1189 | 2.81 | 2157 | 1258 | 3.00 |

Table 7]
SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY
Entering 2005

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 23 | 1364 | 3.59 | * | * | * | * | * | * | * | * | * | 33 | 1372 | 3.52 |
| Business | 330 | 1308 | 3.44 | 30 | 1078 | 2.83 | 143 | 1337 | 3.44 | 110 | 1181 | 3.11 | 628 | 1276 | 3.36 |
| Communication | 197 | 1251 | 3.32 | 26 | 1091 | 2.78 | 17 | 1322 | 3.49 | 70 | 1167 | 3.08 | 312 | 1208 | 3.23 |
| Education | 80 | 1157 | 3.07 | 13 | 1062 | 2.31 | 11 | 1171 | 3.26 | 32 | 1025 | 2.63 | 136 | 1113 | 2.90 |
| Engineering | 323 | 1341 | 3.34 | 16 | 1198 | 2.73 | 140 | 1378 | 3.35 | 120 | 1206 | 2.95 | 627 | 1315 | 3.19 |
| Fine Arts | 63 | 1254 | 3.36 | * | * | * | 5 | 1240 | 3.89 | 19 | 1126 | 3.29 | 89 | 1226 | 3.33 |
| Liberal Arts | 709 | 1244 | 3.28 | 70 | 1048 | 2.87 | 118 | 1248 | 3.33 | 321 | 1108 | 2.92 | 1235 | 1196 | 3.16 |
| Natural Science | 513 | 1256 | 3.17 | 53 | 1043 | 2.86 | 318 | 1265 | 3.29 | 250 | 1110 | 2.86 | 1209 | 1212 | 3.06 |
| Nursing | 40 | 1178 | 3.33 | 8 | 933 | 2.67 | 20 | 1131 | 3.69 | 22 | 1091 | 3.16 | 92 | 1113 | 3.16 |
| Social Work | 10 | 1247 | 3.24 | * | * | * | 7 | 1049 | 1.49 | 9 | 1084 | 2.89 | 28 | 1097 | 2.78 |
| Total | 2288 | 1288 | 3.28 | 283 | 1089 | 2.66 | 782 | 1288 | 3.33 | 886 | 1122 | 2.94 | 4391 | 1226 | 3.18 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 13 | 1402 | 3.26 | * | * | * | * | * | * | * | * | * | 20 | 1391 | 3.27 |
| Business | 23 | 1469 | 3.42 | * | * | * | 9 | 1469 | 3.65 | * | * | * | 37 | 1393 | 3.44 |
| Communication | 27 | 1379 | 3.27 | * | * | * | * | * | * | * | * | * | 34 | 1362 | 3.19 |
| Education | 65 | 1267 | 3.13 | * | * | * | 8 | 1261 | 3.31 | 9 | 1178 | 2.83 | 84 | 1246 | 3.06 |
| Engineering | 221 | 1335 | 2.97 | 12 | 1263 | 2.73 | 104 | 1320 | 2.99 | 44 | 1259 | 2.78 | 389 | 1317 | 2.96 |
| Fine Arts | 116 | 1215 | 3.28 | 2 | 1066 | 2.78 | 17 | 1218 | 3.16 | 20 | 1117 | 3.07 | 157 | 1197 | 3.22 |
| Liberal Arts | 486 | 1286 | 3.09 | 45 | 1039 | 2.46 | 94 | 1332 | 3.39 | 108 | 1163 | 2.91 | 759 | 1269 | 3.04 |
| Natural Science | 249 | 1304 | 2.96 | 24 | 1209 | 2.42 | 112 | 1323 | 3.06 | 73 | 1178 | 2.59 | 471 | 1283 | 2.90 |
| Nursing | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Social Work | 27 | 1269 | 3.13 | * | * | * | * | * | * | * | * | * | 32 | 1263 | 2.99 |
| Total | 1239 | 1295 | 3.06 | 87 | 1113 | 2.54 | 366 | 1322 | 3.11 | 264 | 1183 | 2.96 | 1997 | 1277 | 3.02 |

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Table 8

**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE AND GENDER**

Entering 1996-2006

| SAT Ranges | Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | * | * | 11 | 2.72 | 5 | 2.87 | 11 | 2.88 | 9 | 2.64 | 18 | 2.19 | 19 | 2.43 | 48 | 2.89 | 23 | 2.63 | 59 | 2.47 |
| 900-990 | 17 | 2.46 | 37 | 2.84 | 22 | 2.71 | 54 | 2.99 | 26 | 2.59 | 61 | 2.73 | 30 | 2.72 | 92 | 2.89 | 43 | 2.89 | 133 | 2.91 |
| 1000-1090 | 66 | 2.78 | 209 | 2.86 | 86 | 2.82 | 165 | 2.77 | 80 | 2.89 | 229 | 2.91 | 116 | 2.82 | 257 | 2.89 | 145 | 2.81 | 294 | 3.00 |
| 1100-1190 | 152 | 2.91 | 323 | 3.10 | 169 | 2.96 | 271 | 3.14 | 174 | 2.88 | 299 | 3.02 | 194 | 3.01 | 346 | 3.14 | 259 | 2.96 | 410 | 3.18 |
| 1200-1290 | 270 | 3.06 | 352 | 3.28 | 241 | 3.09 | 391 | 3.36 | 261 | 3.11 | 403 | 3.29 | 327 | 3.11 | 435 | 3.32 | 342 | 3.16 | 468 | 3.37 |
| 1300-1390 | 296 | 3.33 | 259 | 3.47 | 283 | 3.32 | 293 | 3.59 | 279 | 3.44 | 278 | 3.48 | 319 | 3.48 | 317 | 3.64 | 324 | 3.43 | 341 | 3.66 |
| 1400-1490 | 181 | 3.48 | 124 | 3.69 | 165 | 3.63 | 136 | 3.67 | 171 | 3.63 | 129 | 3.79 | 186 | 3.61 | 126 | 3.73 | 208 | 3.68 | 173 | 3.75 |
| 1500+ | 73 | 3.69 | 30 | 3.84 | 48 | 3.83 | 34 | 3.76 | 66 | 3.69 | 29 | 3.83 | 68 | 3.81 | 30 | 3.82 | 79 | 3.75 | 35 | 3.85 |
| Total/ Mean GPA | 1063 | 3.10 | 1345 | 3.24 | 999 | 3.07 | 1336 | 3.38 | 1057 | 3.34 | 1446 | 3.22 | 1273 | 3.26 | 1662 | 3.26 | 1433 | 3.22 | 1913 | 3.29 |
| Mean Test Score | 1290 | | 1223 | | 1225 | | 1236 | | 1279 | | 1218 | | 1289 | | 1252 | | 1280 | | 1290 | |

| SAT Ranges | Non-Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 1996 | | | | Entering 1997 | | | | Entering 1998 | | | | Entering 1999 | | | | Entering 2000 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 20 | 2.80 | 20 | 2.22 | 29 | 2.89 | 49 | 2.33 | 28 | 2.25 | 26 | 2.39 | 25 | 2.38 | 22 | 2.61 | 21 | 2.44 | 24 | 2.64 |
| 900-990 | 59 | 2.33 | 92 | 2.84 | 64 | 2.29 | 142 | 2.33 | 54 | 2.36 | 115 | 2.38 | 74 | 2.44 | 107 | 2.83 | 47 | 2.65 | 70 | 2.58 |
| 1000-1090 | 196 | 2.38 | 287 | 2.87 | 269 | 2.56 | 448 | 2.84 | 215 | 2.81 | 345 | 2.86 | 233 | 2.49 | 389 | 2.78 | 208 | 2.61 | 323 | 2.73 |
| 1100-1190 | 471 | 2.48 | 477 | 2.78 | 532 | 2.69 | 699 | 2.89 | 480 | 2.86 | 540 | 2.77 | 482 | 2.61 | 483 | 2.75 | 465 | 2.84 | 540 | 2.86 |
| 1200-1290 | 606 | 2.84 | 440 | 2.84 | 630 | 2.89 | 479 | 2.78 | 561 | 2.89 | 446 | 2.87 | 556 | 2.88 | 460 | 3.03 | 555 | 2.75 | 500 | 3.03 |
| 1300-1390 | 351 | 2.71 | 162 | 2.86 | 386 | 2.82 | 187 | 3.14 | 409 | 2.76 | 182 | 3.07 | 377 | 2.89 | 167 | 3.16 | 409 | 2.87 | 202 | 3.24 |
| 1400-1490 | 133 | 3.01 | 33 | 3.39 | 123 | 2.89 | 58 | 3.48 | 132 | 3.09 | 46 | 3.33 | 143 | 2.88 | 58 | 3.44 | 132 | 3.21 | 61 | 3.41 |
| 1500+ | 23 | 2.96 | 6 | 3.39 | 27 | 3.69 | 6 | 3.19 | 21 | 2.86 | 8 | 3.77 | 30 | 3.38 | 7 | 3.76 | 46 | 3.85 | 10 | 3.47 |
| Total/ Mean GPA | 1858 | 2.67 | 1517 | 2.75 | 2062 | 2.57 | 1661 | 2.71 | 1878 | 2.64 | 1719 | 2.82 | 1632 | 2.67 | 1664 | 2.87 | 1883 | 2.79 | 1738 | 2.94 |
| Mean Test Score | 1220 | | 1168 | | 1208 | | 1152 | | 1222 | | 1162 | | 1217 | | 1166 | | 1229 | | 1178 | |

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Table 8 (continued from previous page)

**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE AND GENDER**

**Entering 1996-2005**

| SAT Ranges | Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 27 | 2.32 | 54 | 2.33 | 32 | 2.22 | 66 | 2.57 | 30 | 2.89 | 98 | 2.44 | 38 | 2.23 | 97 | 2.36 | 33 | 2.89 | 96 | 2.44 |
| 900-990 | 54 | 2.56 | 136 | 2.83 | 57 | 2.37 | 166 | 2.89 | 77 | 2.64 | 181 | 2.75 | 60 | 2.81 | 163 | 2.63 | 76 | 2.56 | 171 | 2.62 |
| 1000-1090 | 133 | 2.74 | 307 | 2.93 | 161 | 2.81 | 341 | 2.94 | 189 | 2.81 | 353 | 2.94 | 181 | 2.86 | 379 | 2.90 | 177 | 2.78 | 393 | 2.85 |
| 1100-1190 | 256 | 2.82 | 437 | 3.17 | 264 | 2.93 | 464 | 3.16 | 293 | 2.89 | 512 | 3.16 | 302 | 2.89 | 499 | 3.16 | 301 | 2.84 | 543 | 3.06 |
| 1200-1290 | 333 | 3.11 | 476 | 3.39 | 393 | 3.18 | 540 | 3.29 | 420 | 3.18 | 603 | 3.31 | 384 | 3.13 | 620 | 3.36 | 416 | 3.14 | 610 | 3.26 |
| 1300-1390 | 362 | 3.48 | 342 | 3.69 | 406 | 3.37 | 439 | 3.61 | 402 | 3.42 | 439 | 3.69 | 406 | 3.32 | 424 | 3.58 | 391 | 3.31 | 472 | 3.55 |
| 1400-1490 | 233 | 3.62 | 160 | 3.74 | 270 | 3.62 | 191 | 3.73 | 286 | 3.61 | 214 | 3.72 | 268 | 3.61 | 210 | 3.76 | 290 | 3.57 | 217 | 3.72 |
| 1500+ | 79 | 3.77 | 33 | 3.86 | 83 | 3.73 | 36 | 3.86 | 98 | 3.76 | 67 | 3.89 | 115 | 3.74 | 54 | 3.87 | 124 | 3.78 | 81 | 3.86 |
| Total/ Mean GPA | 1476 | 3.16 | 1947 | 3.38 | 1686 | 3.20 | 2243 | 3.36 | 1782 | 3.23 | 2467 | 3.35 | 1775 | 3.17 | 2466 | 3.23 | 1808 | 3.15 | 2583 | 3.19 |
| Mean Test Score | 1263 | | 1167 | | 1261 | | 1190 | | 1258 | | 1167 | | 1256 | | 1185 | | 1261 | | 1202 | |

| SAT Ranges | Non-Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 2001 | | | | Entering 2002 | | | | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 14 | 2.34 | 6 | 2.91 | 24 | 1.87 | 19 | 2.62 | 14 | 2.17 | 16 | 2.17 | 20 | 2.43 | 16 | 2.22 | 19 | 2.41 | 11 | 2.24 |
| 900-990 | 34 | 2.69 | 62 | 2.83 | 26 | 2.41 | 70 | 2.44 | 24 | 2.36 | 19 | 2.72 | 22 | 2.86 | 25 | 2.48 | 14 | 2.69 | 27 | 2.76 |
| 1000-1090 | 148 | 2.46 | 291 | 2.83 | 136 | 2.53 | 235 | 2.73 | 51 | 2.67 | 77 | 2.84 | 39 | 2.47 | 91 | 2.89 | 60 | 2.51 | 80 | 2.66 |
| 1100-1190 | 368 | 2.69 | 436 | 2.88 | 317 | 2.63 | 459 | 2.81 | 105 | 2.81 | 169 | 2.82 | 168 | 2.81 | 229 | 2.85 | 101 | 2.76 | 132 | 2.81 |
| 1200-1290 | 598 | 2.74 | 474 | 3.04 | 567 | 2.85 | 507 | 3.06 | 276 | 2.88 | 302 | 3.19 | 290 | 2.86 | 358 | 3.12 | 290 | 2.87 | 274 | 3.12 |
| 1300-1390 | 381 | 3.08 | 211 | 3.26 | 430 | 2.94 | 225 | 3.39 | 286 | 3.09 | 196 | 3.36 | 363 | 3.06 | 245 | 3.32 | 382 | 3.04 | 207 | 3.31 |
| 1400-1490 | 161 | 3.19 | 45 | 3.42 | 174 | 3.17 | 65 | 3.47 | 154 | 3.23 | 56 | 3.49 | 168 | 3.11 | 79 | 3.37 | 209 | 3.22 | 93 | 3.39 |
| 1500+ | 40 | 3.31 | 5 | 2.99 | 38 | 3.38 | 7 | 3.46 | 41 | 3.46 | 10 | 3.61 | 45 | 3.34 | 8 | 3.73 | 56 | 3.49 | 18 | 3.78 |
| Total/ Mean GPA | 1724 | 2.79 | 1531 | 2.82 | 1715 | 2.82 | 1587 | 2.99 | 988 | 2.94 | 845 | 3.17 | 1105 | 2.81 | 1062 | 3.10 | 1148 | 2.86 | 849 | 3.00 |
| Mean Test Score | 1243 | | 1183 | | 1251 | | 1191 | | 1262 | | 1229 | | 1253 | | 1233 | | 1256 | | 1247 | |

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# Diversity Levels of Undergraduate Classes

# at

# The University of Texas at Austin

# 1996 – 2002

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**A report by**

**The Office of Admissions**

**November 20, 2003**

THE UNIVERSITY OF TEXAS AT AUSTIN

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**Diversity Levels of Undergraduate Classes at The University of Texas at Austin 1996-2002**

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THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF ADMISSIONS

**Diversity Levels of Undergraduate Classes at The University of Texas at Austin 1996-2002**

**Abstract**

Recent United States Supreme Court rulings on affirmative action in higher education[1] have become an occasion for selective colleges and universities to audit their admission policies and their underlying philosophy. Specifically, the Court's emphasis on educational benefits focuses on diversity, not of a campus or entering freshman class, but where teaching takes place—in the classroom.

This document reports the results of an investigation into levels of diversity in undergraduate classrooms at The University of Texas at Austin from 1996 through 2002.

**Classroom Diversity**

Since UT Austin's educational mission includes the goal of producing future educational, cultural, business, and socio-political leaders, the undergraduate experience for each student should include classroom contact with peers of differing racial/ethnic and cultural backgrounds.[2] In *Grutter*, the Court accepted the principle of "critical mass" or an adequate representation of minority students to assure the educational benefits of diversity. The Court also accepted the Michigan argument that diversity benefits all students in that they learn that there is not "one" minority or majority view, but many. In addition, the Court recognized that critical mass is essential in order to avoid isolating or burdening individuals as "spokespersons" of their race or ethnicity.[3]

After reviewing *Grutter* and *Gratz*, the Office of Admissions identified a need for an investigation into whether there is a critical mass of minority students in the educational setting, more specifically, in classrooms where teaching and learning take place at The University of Texas at Austin. Are there large numbers of classes at The University of Texas at Austin where there are no members of any minority groups? Second, are there large numbers of classes in which there is only one member of a given racial/ethnic group who may be made to feel isolated or may be seen as a "spokesperson" of their race or ethnicity?

**"Classes" Defined**

"NR-CLASSES" is a very large database that stores all past UT Austin coursework at the end of each semester. This study utilized that source to analyze each fall semester from 1996 through 2002. The focus of this study was on undergraduate courses students take for credit towards a

[1] See *Grutter v Bollinger* and *Gratz v Bollinger* (2003). Citations are from slip opinions located online at: http://www.supremecourtus.gov/opinions/02pdf/02-516.pdf (for *Gratz*) and http://www.supremecourtus.gov/opinions/02pdf/02-241.pdf (for *Grutter*).
[2] UT Austin's Mission is posted at http://www.utexas.edu/student/registrar/catalogs/ug02-04/ch01/ch01a.html#the_mission.
[3] *Grutter v Bollinger*, 6.

degree. As such, courses in the following areas were rejected: all courses attended exclusively by graduate students, the Law School, the School of Library Science, developmental courses that do not award credit, Study Abroad, In Absentia and Affiliated Study classes, Individual Study classes, Irregular Study classes, and courses in the cognitive sciences (which are largely graduate level). Classes with fewer than five students were not counted.

Labs, discussion classes, and freshman seminars (which are counted in the UT section, but do not belong to any college or school) were intentionally included because of their interactive nature. Some of these classes do not award credit.

Students excluded in the study were those who withdrew during the semester (and, thus, were not present for a significant number of class sessions) and International students. [Authors' Note: International is a racial/ethnic category and a citizenship code at UT Austin. This study essentially looks at diversity among American citizens by eliminating all non-citizens. Thus, for example, it is possible for a class to include a student from Africa but have no African American. Put another way, this report studies representation among American ethnic groups.]

Because of the very small numbers of American Indians (see Table 1), that group was not analyzed.

**Results**

Results indicate that large percentages of UT Austin classes have none or only one minority student.

In the aggregate sense the Top 10% Plan has contributed to the restoration of diversity levels at UT Austin to pre-*Hopwood* levels (see Table 1). Table 2, however, provides a snapshot comparison of pre-*Hopwood* classroom diversity (1996) with subsequent fall semesters through 2002. It shows that at the classroom level diversity has not improved. Indeed, the percentage of classes with none or only one African American and, separately, the percentage of classes with none or only one Hispanic is up noticeably. Undoubtedly, some of the increase is due to the larger number of sections observed (from 4,742 in 1996 to 5,631 in 2002)[4]. Limited numbers of minority students appeared to be "spread out" in more classes, leaving many sections with little or no representation.

The campus wide UT Austin Student/Faculty Ratio for the 2002-03 academic year was approximately 21/1.[5] At present, the University has an unofficial goal of lowering the ratio by increasing the size of the faculty by approximately 300 over a ten-year period. Since the majority of UT classes have between five and twenty-four students in them, and the University's goal is to increase the number of sections of that size, a special analysis was done for that subset. Table 3 (page 8) illustrates the results of that analysis. During the fall of 2002, nearly 90% of UT undergraduate classes with five to twenty-four students had no or only one African American to contribute their experiences or perspectives to a class discussion. Over 40% had no or only one Hispanic or Asian American, although the Asian American percentage appears to be high as a result of a concentration of those students in Business, Engineering, and Natural Sciences.

[4] See Appendices 1 and 7 of this report.
[5] See *Statistical Handbook, 2002-03*, pgs. 122-25.

**Table 1**
**Applicants/Admits/First-Time Freshmen**
**Summers and Falls Combined**
**1996-2003[6]**

| Applicants | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 10584 | 61 | 9134 | 61 | 10138 | 60 | 11051 | 58 | 12737 | 59 | 11723 | 56 | 12603 | 57 | 13944 | 57 |
| Native American | 119 | 1 | 87 | <1 | 94 | 1 | 87 | <1 | 107 | <1 | 127 | 1 | 110 | <1 | 111 | <1 |
| African American | 809 | 5 | 639 | 4 | 660 | 4 | 1030 | 5 | 1186 | 6 | 1053 | 5 | 1159 | 5 | 1351 | 6 |
| Asian American | 2363 | 14 | 2184 | 15 | 2491 | 15 | 2668 | 14 | 2939 | 14 | 3123 | 15 | 3259 | 15 | 3439 | 14 |
| Hispanic | 2492 | 14 | 1955 | 13 | 2338 | 14 | 2831 | 15 | 3087 | 14 | 3164 | 15 | 3487 | 16 | 4101 | 17 |
| International | 896 | 5 | 946 | 6 | 958 | 6 | 1199 | 6 | 1404 | 7 | 1673 | 8 | 1447 | 7 | 1477 | 6 |
| Unknown | 0 | 0 | 57 | <1 | 118 | 1 | 64 | <1 | 79 | <1 | 123 | 1 | 114 | 1 | 96 | <1 |
| Total | 17263 | 100 | 14982 | 100 | 16797 | 100 | 19930 | 100 | 21538 | 100 | 20986 | 100 | 22179 | 100 | 24519 | 100 |
| Admits | | | | | | | | | | | | | | | | |
| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 7167 | 63 | 7964 | 65 | 7659 | 64 | 7421 | 62 | 8162 | 62 | 7787 | 61 | 8258 | 61 | 8852 | 60 |
| Native American | 83 | 1 | 54 | <1 | 59 | <1 | 47 | <1 | 59 | <1 | 68 | 1 | 61 | <1 | 37 | <1 |
| African American | 501 | 4 | 419 | 3 | 401 | 3 | 517 | 4 | 582 | 4 | 445 | 3 | 494 | 4 | 448 | 4 |
| Asian American | 1854 | 14 | 1938 | 16 | 1942 | 16 | 1970 | 16 | 2151 | 16 | 2198 | 17 | 2298 | 17 | 1991 | 17 |
| Hispanic | 1761 | 15 | 1592 | 13 | 1620 | 14 | 1705 | 14 | 1823 | 14 | 1815 | 14 | 1945 | 14 | 1795 | 15 |
| International | 310 | 3 | 312 | 3 | 252 | 2 | 248 | 2 | 471 | 4 | 355 | 3 | 379 | 3 | 348 | 3 |
| Unknown | 0 | 0 | 10 | <1 | 42 | <1 | 41 | <1 | 28 | <1 | 65 | 1 | 41 | <1 | 33 | <1 |
| Total | 11456 | 100 | 12289 | 100 | 11975 | 100 | 11949 | 100 | 13256 | 100 | 12733 | 100 | 13476 | 100 | 11904 | 100 |
| Enrolled | | | | | | | | | | | | | | | | |
| | 1996 | | 1997 | | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 4159 | 65 | 4730 | 67 | 4399 | 65 | 4447 | 63 | 4801 | 63 | 4447 | 61 | 4882 | 62 | 3866 | 59 |
| Native American | 34 | <1 | 36 | 1 | 37 | <1 | 28 | <1 | 32 | <1 | 34 | <1 | 35 | <1 | 19 | <1 |
| African American | 266 | 4 | 190 | 3 | 199 | 3 | 288 | 4 | 298 | 4 | 242 | 3 | 272 | 3 | 267 | 4 |
| Asian American | 942 | 15 | 1130 | 16 | 1133 | 17 | 1221 | 17 | 1325 | 17 | 1413 | 19 | 1452 | 18 | 1153 | 18 |
| Hispanic | 932 | 14 | 892 | 13 | 891 | 13 | 976 | 14 | 1011 | 13 | 1024 | 14 | 1137 | 14 | 1066 | 16 |
| International | 97 | 2 | 107 | 2 | 83 | 1 | 82 | 1 | 217 | 3 | 139 | 2 | 157 | 2 | 156 | 2 |
| Unknown | 0 | 0 | 0 | 0 | 2 | <1 | 0 | 0 | 4 | <1 | 38 | <1 | 0 | 0 | 15 | <1 |
| Total | 6430 | 100 | 7085 | 100 | 6744 | 100 | 7040 | 100 | 7686 | 100 | 7337 | 100 | 7935 | 100 | 6544 | 100 |

Source: The University of Texas at Austin, Office of Institutional Studies, *Statistical Handbook*, 1996-2002 editions.

**Additional Data**

A complete analysis is provided in Appendices 1-7. Appendix 1 is for the fall of 1996, followed by an appendix for each subsequent year through the fall of 2002. Each appendix has eleven figures. Figure 1 in each appendix is for the entire University; Figure 2 analyzes the School of Architecture, and is followed by the rest of the colleges/schools in alphabetical order.

[6] The entering class of 2003 is included here because the data are available. Data in all other tables were captured at the end of the semester, and thus, 2003 is not available.

**Table 2**
**Representation of Racial/Ethnic Groups in UT Schools/Colleges in Classes ≥5 Students**
**Percentages of Classes With None or Only One Member of Select Racial/Ethnic Groups**
**Fall 1996 to Fall 2002**

| White | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|
| **Architecture** | 2.13 | 1.67 | | | | | |
| **Business** | | 0.37 | | 0.38 | | 0.39 | |
| **Communication** | | 0.33 | | | 0.33 | | |
| **Education** | | | 0.31 | 0.30 | 0.91 | 0.29 | 1.17 |
| **Engineering** | 0.23 | | 1.10 | 0.42 | 0.20 | 0.59 | 0.59 |
| **Fine Arts** | 0.59 | | 0.30 | 0.30 | 0.30 | 0.30 | |
| **Liberal Arts** | 1.95 | 1.83 | 1.66 | 1.94 | 1.88 | 1.98 | 2.08 |
| **Nat. Sciences** | 0.24 | 0.16 | 0.08 | 0.54 | 0.51 | 1.12 | 1.09 |
| **Nursing** | | | | | | | |
| **Social Work** | | | | | | | |
| **UT Austin** | **0.82** | **0.80** | **0.78** | **0.94** | **1.01** | **1.11** | **1.19** |
| African American | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 93.62 | 96.66 | 98.53 | 98.60 | 98.69 | 92.06 | 92.10 |
| **Business** | 59.84 | 65.93 | 60.70 | 64.26 | 63.00 | 62.36 | 54.20 |
| **Communication** | 74.45 | 71.28 | 76.07 | 79.15 | 81.06 | 81.04 | 81.53 |
| **Education** | 67.42 | 65.39 | 64.00 | 66.47 | 65.55 | 69.45 | 67.55 |
| **Engineering** | 70.64 | 80.47 | 78.63 | 83.89 | 83.30 | 83.63 | 80.98 |
| **Fine Arts** | 66.77 | 85.46 | 90.03 | 90.21 | 88.36 | 87.19 | 87.77 |
| **Liberal Arts** | 75.25 | 77.95 | 77.87 | 80.08 | 81.46 | 79.91 | 81.88 |
| **Nat. Sciences** | 71.55 | 76.39 | 77.24 | 77.52 | 75.46 | 75.84 | 77.78 |
| **Nursing** | 76.00 | 72.84 | 79.75 | 92.11 | 92.21 | 88.37 | 84.95 |
| **Social Work** | 35.30 | 42.11 | 45.18 | 50.00 | 76.92 | 70.37 | 50.00 |
| **UT Austin** | **72.95** | **76.40** | **76.88** | **79.01** | **79.07** | **78.51** | **79.06** |
| Asian American | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 51.06 | 38.33 | 42.65 | 47.89 | 46.06 | 46.04 | 39.47 |
| **Business** | 8.20 | 7.40 | 8.94 | 7.22 | 4.33 | 3.14 | 2.94 |
| **Communication** | 57.41 | 55.45 | 52.83 | 52.44 | 55.15 | 49.23 | 46.18 |
| **Education** | 39.35 | 41.02 | 39.38 | 37.73 | 36.58 | 33.72 | 35.40 |
| **Engineering** | 29.81 | 30.26 | 29.07 | 23.09 | 20.78 | 18.94 | 18.04 |
| **Fine Arts** | 50.00 | 62.62 | 58.61 | 60.53 | 57.61 | 54.88 | 52.60 |
| **Liberal Arts** | 44.88 | 45.43 | 45.70 | 45.06 | 44.05 | 42.00 | 42.82 |
| **Nat. Sciences** | 25.20 | 25.75 | 25.75 | 24.34 | 22.78 | 20.74 | 20.24 |
| **Nursing** | 53.33 | 56.79 | 67.09 | 63.16 | 63.64 | 77.91 | 81.72 |
| **Social Work** | 70.58 | 63.16 | 70.97 | 77.27 | 73.08 | 74.08 | 76.67 |
| **UT Austin** | **37.83** | **36.30** | **38.26** | **36.77** | **35.60** | **33.63** | **33.44** |
| Hispanic | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 48.93 | 40.00 | 42.65 | 47.89 | 51.32 | 53.97 | 40.79 |
| **Business** | 12.71 | 17.04 | 16.34 | 20.15 | 20.47 | 23.13 | 19.32 |
| **Communication** | 20.74 | 29.70 | 30.23 | 25.08 | 27.90 | 22.32 | 28.34 |
| **Education** | 12.26 | 16.02 | 15.39 | 12.57 | 16.15 | 17.58 | 16.81 |
| **Engineering** | 24.09 | 24.89 | 32.60 | 29.66 | 32.18 | 31.37 | 28.43 |
| **Fine Arts** | 35.29 | 30.87 | 33.54 | 40.06 | 38.21 | 40.85 | 39.75 |
| **Liberal Arts** | 30.61 | 30.63 | 33.06 | 33.90 | 34.62 | 35.79 | 34.95 |
| **Nat. Sciences** | 21.95 | 23.93 | 28.18 | 27.90 | 27.85 | 27.65 | 26.59 |
| **Nursing** | 41.34 | 51.86 | 58.23 | 44.74 | 50.65 | 41.86 | 48.39 |
| **Social Work** | 11.76 | | 6.45 | 18.18 | 11.54 | 14.81 | 20.00 |
| **UT Austin** | **25.16** | **26.99** | **30.07** | **30.23** | **31.10** | **31.09** | **30.42** |

**Table 3**
**Representation of Racial/Ethnic Groups in UT Undergraduate Classes With 5-24 Students**
**Percentages of Classes With None or Only One Member of Select Racial/Ethnic Groups**
**Fall 1996 to Fall 2002**

| White | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|
| **Architecture** | 2.56 | 2.44 | | | | | |
| **Business** | | 1.09 | | 1.35 | | 2.08 | |
| **Communication** | | 0.51 | | | 0.52 | | |
| **Education** | | | 0.65 | 0.57 | 1.20 | 0.73 | 1.18 |
| **Engineering** | 0.40 | | 1.91 | 0.71 | 0.34 | 1.01 | 1.06 |
| **Fine Arts** | 0.73 | | 0.35 | 0.34 | 0.34 | 0.35 | |
| **Liberal Arts** | 2.84 | 2.62 | 2.28 | 2.63 | 2.41 | 2.64 | 2.65 |
| **Nat. Sciences** | 0.42 | 0.27 | 0.13 | 0.95 | 0.91 | 1.89 | 1.74 |
| **Nursing** | | | | | | | |
| **Social Work** | | | | | | | |
| **UT Austin** | **1.35** | **1.28** | **1.19** | **1.44** | **1.47** | **1.67** | **1.69** |
| African American | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 94.87 | 100.00 | 100.00 | 100.00 | 98.25 | 92.98 | 98.66 |
| **Business** | 90.25 | 93.48 | 90.81 | 82.44 | 81.82 | 83.34 | 82.75 |
| **Communication** | 83.62 | 81.22 | 85.79 | 87.25 | 90.11 | 92.75 | 91.63 |
| **Education** | 82.88 | 82.13 | 88.96 | 84.57 | 85.72 | 84.53 | 90.53 |
| **Engineering** | 83.40 | 86.60 | 89.32 | 91.87 | 92.76 | 93.92 | 92.91 |
| **Fine Arts** | 71.43 | 89.01 | 93.66 | 93.56 | 94.50 | 93.26 | 91.93 |
| **Liberal Arts** | 84.60 | 87.85 | 86.75 | 88.04 | 88.84 | 87.47 | 88.85 |
| **Nat. Sciences** | 86.60 | 89.89 | 89.74 | 91.35 | 87.60 | 88.03 | 88.71 |
| **Nursing** | 87.50 | 83.33 | 87.10 | 98.27 | 98.24 | 97.14 | 96.00 |
| **Social Work** | 71.43 | 63.63 | 62.50 | 70.00 | 94.45 | 76.20 | 54.17 |
| **UT Austin** | **85.58** | **87.79** | **88.60** | **89.80** | **89.63** | **89.08** | **89.80** |
| Asian American | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 61.54 | 56.10 | 60.42 | 67.35 | 57.89 | 49.13 | 50.00 |
| **Business** | 24.39 | 14.13 | 21.84 | 20.27 | 15.16 | 16.67 | 8.62 |
| **Communication** | 77.19 | 73.60 | 68.94 | 71.93 | 71.35 | 67.87 | 62.83 |
| **Education** | 47.26 | 51.40 | 57.79 | 56.57 | 55.35 | 46.40 | 55.03 |
| **Engineering** | 48.18 | 47.47 | 45.80 | 36.40 | 33.79 | 30.41 | 30.49 |
| **Fine Arts** | 53.85 | 69.24 | 64.79 | 67.12 | 64.61 | 60.99 | 57.89 |
| **Liberal Arts** | 53.88 | 53.62 | 54.26 | 53.51 | 51.93 | 50.66 | 50.30 |
| **Nat. Sciences** | 40.34 | 39.55 | 40.00 | 38.65 | 36.81 | 34.76 | 33.07 |
| **Nursing** | 71.43 | 66.66 | 82.26 | 75.86 | 82.46 | 91.43 | 90.67 |
| **Social Work** | 85.71 | 81.82 | 93.75 | 80.00 | 88.89 | 85.71 | 91.66 |
| **UT Austin** | **52.23** | **51.17** | **51.62** | **50.30** | **48.92** | **47.05** | **46.15** |
| Hispanic | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| **Architecture** | 58.98 | 56.10 | 60.41 | 63.26 | 66.66 | 57.90 | 51.66 |
| **Business** | 39.02 | 42.39 | 34.48 | 36.48 | 31.82 | 56.25 | 41.38 |
| **Communication** | 29.83 | 40.10 | 40.52 | 33.68 | 38.55 | 31.08 | 41.89 |
| **Education** | 20.55 | 25.14 | 30.52 | 23.43 | 26.19 | 30.39 | 29.00 |
| **Engineering** | 38.47 | 38.40 | 49.61 | 43.10 | 46.56 | 42.91 | 45.04 |
| **Fine Arts** | 40.29 | 35.53 | 39.09 | 44.71 | 43.65 | 47.52 | 44.91 |
| **Liberal Arts** | 41.57 | 41.23 | 43.06 | 42.95 | 43.61 | 44.61 | 43.93 |
| **Nat. Sciences** | 34.70 | 35.92 | 43.86 | 42.57 | 42.95 | 44.33 | 41.32 |
| **Nursing** | 53.57 | 59.09 | 69.35 | 55.17 | 66.67 | 48.57 | 58.67 |
| **Social Work** | 14.29 | | 6.25 | 40.00 | 16.67 | 19.05 | 25.00 |
| **UT Austin** | **37.57** | **38.71** | **43.02** | **41.98** | **43.04** | **43.29** | **42.87** |

# Appendix 1

## Figure 1

## The University of Texas at Austin
## Undergraduate Classroom Diversity Levels
## Fall 1996

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 11 | 0.38 | 1697 | 58.92 | 774 | 26.88 | 451 | 15.66 | 2880 | 100 |
| 25-49 | | | 449 | 33.33 | 108 | 8.02 | 25 | 1.86 | 1347 | 100 |
| 50-74 | | | 36 | 17.14 | 6 | 2.86 | | | 210 | 100 |
| 75-99 | | | 4 | 3.67 | 1 | 0.92 | | | 109 | 100 |
| ≥100 | | | 4 | 2.04 | 1 | 0.51 | | | 196 | 100 |
| All ≥5 | 11 | 0.23 | 2190 | 46.18 | 890 | 18.77 | 476 | 10.04 | 4742 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 28 | 0.97 | 768 | 26.67 | 730 | 25.35 | 631 | 21.91 | 2880 | 100 |
| 25-49 | | | 430 | 31.92 | 165 | 12.25 | 85 | 6.31 | 1347 | 100 |
| 50-74 | | | 42 | 20.00 | 6 | 2.86 | 1 | 0.48 | 210 | 100 |
| 75-99 | | | 20 | 18.35 | 2 | 1.83 | | | 109 | 100 |
| ≥100 | | | 11 | 5.61 | 1 | 0.51 | | | 196 | 100 |
| All ≥5 | 28 | 0.59 | 1271 | 26.80 | 904 | 19.06 | 717 | 15.12 | 4742 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 39 | 1.35 | 2465 | 85.59 | 1504 | 52.23 | 1082 | 37.57 | 2880 | 100 |
| 25-49 | | | 879 | 65.25 | 273 | 20.27 | 110 | 8.17 | 1347 | 100 |
| 50-74 | | | 78 | 37.14 | 12 | 5.72 | 1 | 0.48 | 210 | 100 |
| 75-99 | | | 24 | 22.02 | 3 | 2.75 | | | 109 | 100 |
| ≥100 | | | 15 | 7.65 | 2 | 1.02 | | | 196 | 100 |
| All ≥5 | 39 | 0.82 | 3461 | 72.98 | 1794 | 37.83 | 1193 | 25.16 | 4742 | 100 |

## Appendix 1

**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 30 | 76.92 | 9 | 23.08 | 7 | 17.95 | 39 | 100 |
| 25-49 | | | 2 | 33.33 | | | | | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | | | 32 | 68.09 | 9 | 19.15 | 7 | 14.89 | 47 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.56 | 7 | 17.95 | 15 | 38.46 | 16 | 41.03 | 39 | 100 |
| 25-49 | | | 4 | 66.67 | | | | | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | 1 | 50.00 | | | | | 2 | 100 |
| All ≥5 | 1 | 2.13 | 12 | 25.53 | 15 | 31.91 | 16 | 34.04 | 47 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.56 | 37 | 94.87 | 24 | 61.54 | 23 | 58.98 | 39 | 100 |
| 25-49 | | | 6 | 100.00 | | | | | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | 1 | 50 | | | | | 2 | 100 |
| All ≥5 | 1 | 2.13 | 44 | 93.62 | 24 | 51.06 | 23 | 48.93 | 47 | 100 |

## Appendix 1
**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 23 | 56.10 | | | 6 | 14.63 | 41 | 100 |
| 25-49 | | | 45 | 38.79 | 3 | 2.59 | 3 | 2.59 | 116 | 100 |
| 50-74 | | | 10 | 21.74 | | | | | 46 | 100 |
| 75-99 | | | | | | | | | 16 | 100 |
| ≥100 | | | 1 | 4.00 | | | | | 25 | 100 |
| All ≥5 | | | 79 | 32.38 | 3 | 1.23 | 9 | 3.69 | 244 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 14 | 34.15 | 10 | 24.39 | 10 | 24.39 | 41 | 100 |
| 25-49 | | | 39 | 33.62 | 7 | 6.03 | 12 | 10.34 | 116 | 100 |
| 50-74 | | | 5 | 10.87 | | | | | 46 | 100 |
| 75-99 | | | 8 | 50.00 | | | | | 16 | 100 |
| ≥100 | | | 1 | 4.00 | | | | | 25 | 100 |
| All ≥5 | | | 67 | 27.46 | 17 | 6.97 | 22 | 9.02 | 244 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 37 | 90.25 | 10 | 24.39 | 16 | 39.02 | 41 | 100 |
| 25-49 | | | 84 | 72.41 | 10 | 8.62 | 15 | 12.93 | 116 | 100 |
| 50-74 | | | 15 | 32.61 | | | | | 46 | 100 |
| 75-99 | | | 8 | 50.00 | | | | | 16 | 100 |
| ≥100 | | | 2 | 8.00 | | | | | 25 | 100 |
| All ≥5 | | | 146 | 59.84 | 20 | 8.2 | 31 | 12.71 | 244 | 100 |

## Appendix 1
**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 99 | 57.89 | 74 | 43.27 | 22 | 12.87 | 171 | 100 |
| 25-49 | | | 23 | 31.94 | 7 | 9.72 | 2 | 2.78 | 72 | 100 |
| 50-74 | | | 4 | 28.57 | 1 | 7.14 | | | 14 | 100 |
| 75-99 | | | 1 | 33.33 | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 10 | 100 |
| All ≥5 | | | 127 | 47.04 | 82 | 30.37 | 24 | 8.89 | 270 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 44 | 25.73 | 58 | 33.92 | 29 | 16.96 | 171 | 100 |
| 25-49 | | | 28 | 38.89 | 13 | 18.06 | 3 | 4.17 | 72 | 100 |
| 50-74 | | | 1 | 7.14 | 2 | 14.29 | | | 14 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | 1 | 10.00 | | | | | 10 | 100 |
| All ≥5 | | | 74 | 27.41 | 73 | 27.04 | 32 | 11.85 | 270 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 143 | 83.62 | 132 | 77.19 | 51 | 29.83 | 171 | 100 |
| 25-49 | | | 51 | 70.83 | 20 | 27.78 | 5 | 6.95 | 72 | 100 |
| 50-74 | | | 5 | 35.71 | 3 | 21.43 | | | 14 | 100 |
| 75-99 | | | 1 | 33.33 | | | | | 3 | 100 |
| ≥100 | | | 1 | 10 | | | | | 10 | 100 |
| All ≥5 | | | 201 | 74.45 | 155 | 57.41 | 56 | 20.74 | 270 | 100 |

## Appendix 1

**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 85 | 58.22 | 37 | 25.34 | 8 | 5.48 | 146 | 100 |
| 25-49 | | | 44 | 33.08 | 26 | 19.55 | 2 | 1.50 | 133 | 100 |
| 50-74 | | | 2 | 14.29 | 2 | 14.29 | | | 14 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | 1 | 7.14 | | | 14 | 100 |
| All ≥5 | | | 131 | 42.26 | 66 | 21.29 | 10 | 3.23 | 310 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 36 | 24.66 | 32 | 21.92 | 22 | 15.07 | 146 | 100 |
| 25-49 | | | 40 | 30.08 | 23 | 17.29 | 6 | 4.51 | 133 | 100 |
| 50-74 | | | 2 | 14.29 | 1 | 7.14 | | | 14 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 14 | 100 |
| All ≥5 | | | 78 | 25.16 | 56 | 18.06 | 28 | 9.03 | 310 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 121 | 82.88 | 69 | 47.26 | 30 | 20.55 | 146 | 100 |
| 25-49 | | | 84 | 63.16 | 49 | 36.84 | 8 | 6.01 | 133 | 100 |
| 50-74 | | | 4 | 28.58 | 3 | 21.43 | | | 14 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | 1 | 7.14 | | | 14 | 100 |
| All ≥5 | | | 209 | 67.42 | 122 | 39.35 | 38 | 12.26 | 310 | 100 |

## Appendix 1
### Figure 6
### The University of Texas at Austin
### College of Engineering
### Undergraduate Classroom Diversity Levels
### Fall 1996

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 150 | 60.73 | 54 | 21.86 | 32 | 12.96 | 247 | 100 |
| 25-49 | | | 46 | 30.26 | 4 | 2.63 | 3 | 1.97 | 152 | 100 |
| 50-74 | | | 2 | 7.14 | | | | | 28 | 100 |
| 75-99 | | | 1 | 14.29 | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | | | 199 | 45.64 | 58 | 13.30 | 35 | 8.03 | 436 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.40 | 56 | 22.67 | 65 | 26.32 | 63 | 25.51 | 247 | 100 |
| 25-49 | | | 45 | 29.61 | 7 | 4.61 | 7 | 4.61 | 152 | 100 |
| 50-74 | | | 8 | 28.57 | | | | | 28 | 100 |
| 75-99 | | | | | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | 1 | 0.23 | 109 | 25.00 | 72 | 16.51 | 70 | 16.06 | 436 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.40 | 206 | 83.40 | 119 | 48.18 | 95 | 38.47 | 247 | 100 |
| 25-49 | | | 91 | 59.87 | 11 | 7.24 | 10 | 6.58 | 152 | 100 |
| 50-74 | | | 10 | 35.71 | | | | | 28 | 100 |
| 75-99 | | | 1 | 14.29 | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | 1 | 0.23 | 308 | 70.64 | 130 | 29.81 | 105 | 24.09 | 436 | 100 |

# Appendix 1

**Figure 7**
**The University of Texas at Austin**
**School of Fine Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 173 | 63.37 | 101 | 37.00 | 34 | 12.45 | 273 | 100 |
| 25-49 | | | 17 | 36.17 | 11 | 23.40 | 1 | 2.13 | 47 | 100 |
| 50-74 | | | 3 | 50.00 | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | 1 | 11.11 | 1 | 11.11 | | | 9 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 194 | 57.06 | 114 | 33.53 | 35 | 10.29 | 340 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.73 | 22 | 8.06 | 46 | 16.85 | 76 | 27.84 | 273 | 100 |
| 25-49 | | | 9 | 19.15 | 10 | 21.28 | 9 | 19.15 | 47 | 100 |
| 50-74 | | | | | | | | | 6 | 100 |
| 75-99 | | | 2 | 22.22 | | | | | 9 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 2 | 0.59 | 33 | 9.71 | 56 | 16.47 | 85 | 25.00 | 340 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.73 | 195 | 71.43 | 147 | 53.85 | 110 | 40.29 | 273 | 100 |
| 25-49 | | | 26 | 55.32 | 21 | 44.68 | 10 | 21.28 | 47 | 100 |
| 50-74 | | | 3 | 50.00 | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | 3 | 33.33 | 1 | 11.11 | | | 9 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 2 | 0.59 | 227 | 66.77 | 170 | 50.00 | 120 | 35.29 | 340 | 100 |

## Appendix 1
**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1996**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 11 | 0.95 | 680 | 58.52 | 328 | 28.23 | 216 | 18.59 | 1162 | 100 |
| 25-49 | | | 135 | 37.19 | 41 | 11.29 | 9 | 2.48 | 363 | 100 |
| 50-74 | | | 9 | 15.00 | 2 | 3.33 | | | 60 | 100 |
| 75-99 | | | 1 | 2.44 | | | | | 41 | 100 |
| ≥100 | | | 1 | 1.59 | | | | | 63 | 100 |
| All ≥5 | 11 | 0.65 | 826 | 48.90 | 371 | 21.97 | 225 | 13.32 | 1689 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 22 | 1.89 | 303 | 26.08 | 298 | 25.65 | 267 | 22.98 | 1162 | 100 |
| 25-49 | | | 117 | 32.23 | 85 | 23.42 | 25 | 6.89 | 363 | 100 |
| 50-74 | | | 13 | 21.67 | 2 | 3.33 | | | 60 | 100 |
| 75-99 | | | 6 | 14.63 | 1 | 2.44 | | | 41 | 100 |
| ≥100 | | | 6 | 9.52 | 1 | 1.59 | | | 63 | 100 |
| All ≥5 | 22 | 1.30 | 445 | 26.35 | 387 | 22.91 | 292 | 17.29 | 1689 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 33 | 2.84 | 983 | 84.60 | 626 | 53.88 | 483 | 41.57 | 1162 | 100 |
| 25-49 | | | 252 | 69.42 | 126 | 34.71 | 34 | 9.37 | 363 | 100 |
| 50-74 | | | 22 | 36.67 | 4 | 6.66 | | | 60 | 100 |
| 75-99 | | | 7 | 17.07 | 1 | 2.44 | | | 41 | 100 |
| ≥100 | | | 7 | 11.11 | 1 | 1.59 | | | 63 | 100 |
| All ≥5 | 33 | 1.95 | 1271 | 75.25 | 758 | 44.88 | 517 | 30.61 | 1689 | 100 |

# Appendix 1

**Figure 9**
**The University of Texas at Austin**
**College of Natural Sciences**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 404 | 56.98 | 145 | 20.45 | 105 | 14.81 | 709 | 100 |
| 25-49 | | | 130 | 30.59 | 14 | 3.29 | 5 | 1.18 | 425 | 100 |
| 50-74 | | | 4 | 12.12 | | | | | 33 | 100 |
| 75-99 | | | | | | | | | 27 | 100 |
| ≥100 | | | 2 | 2.94 | | | | | 68 | 100 |
| All ≥5 | | | 540 | 42.79 | 159 | 12.60 | 110 | 8.72 | 1262 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 0.42 | 210 | 29.62 | 141 | 19.89 | 141 | 19.89 | 709 | 100 |
| 25-49 | | | 137 | 32.24 | 17 | 4.00 | 25 | 5.88 | 425 | 100 |
| 50-74 | | | 11 | 33.33 | | | 1 | 3.03 | 33 | 100 |
| 75-99 | | | 3 | 11.11 | 1 | 3.70 | | | 27 | 100 |
| ≥100 | | | 2 | 2.94 | | | | | 68 | 100 |
| All ≥5 | 3 | 0.24 | 363 | 28.76 | 159 | 12.60 | 167 | 13.23 | 1262 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 0.42 | 614 | 86.60 | 286 | 40.34 | 246 | 34.70 | 709 | 100 |
| 25-49 | | | 267 | 62.83 | 31 | 7.29 | 30 | 7.06 | 425 | 100 |
| 50-74 | | | 15 | 45.45 | | | 1 | 3.03 | 33 | 100 |
| 75-99 | | | 3 | 11.11 | 1 | 3.7 | | | 27 | 100 |
| ≥100 | | | 4 | 5.88 | | | | | 68 | 100 |
| All ≥5 | 3 | 0.24 | 903 | 71.55 | 318 | 25.20 | 277 | 21.95 | 1262 | 100 |



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## Appendix 1
**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 35 | 62.50 | 21 | 37.50 | 11 | 19.64 | 56 | 100 |
| 25-49 | | | 6 | 42.86 | | | | | 14 | 100 |
| 50-74 | | | | | | | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 41 | 54.67 | 21 | 28.00 | 11 | 14.67 | 75 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 14 | 25.00 | 19 | 33.93 | 19 | 33.93 | 56 | 100 |
| 25-49 | | | 1 | 7.14 | | | 1 | 7.14 | 14 | 100 |
| 50-74 | | | 1 | 20.00 | | | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 16 | 21.33 | 19 | 25.33 | 20 | 26.67 | 75 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 49 | 87.50 | 40 | 71.43 | 30 | 53.57 | 56 | 100 |
| 25-49 | | | 7 | 50.00 | | | 1 | 7.14 | 14 | 100 |
| 50-74 | | | 1 | 20.00 | | | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 57 | 76.00 | 40 | 53.33 | 31 | 41.34 | 75 | 100 |



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## Appendix 1
### Figure 11
### The University of Texas at Austin
### School of Social Work
### Undergraduate Classroom Diversity Levels
### Fall 1996

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 3 | 42.86 | 4 | 57.14 | | | 7 | 100 |
| 25-49 | | | | | 2 | 22.22 | | | 9 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 3 | 17.65 | 6 | 35.29 | | | 17 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 2 | 28.57 | 2 | 28.57 | 1 | 14.29 | 7 | 100 |
| 25-49 | | | 1 | 11.11 | 4 | 44.44 | 1 | 11.11 | 9 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 3 | 17.65 | 6 | 35.29 | 2 | 11.76 | 17 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 5 | 71.43 | 6 | 85.71 | 1 | 14.29 | 7 | 100 |
| 25-49 | | | 1 | 11.11 | 8 | 88.88 | 1 | 11.11 | 9 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 6 | 35.30 | 12 | 70.58 | 2 | 11.76 | 17 | 100 |

## Appendix 2
### Figure 1
### The University of Texas at Austin
### Undergraduate Classroom Diversity Levels
### Fall 1997

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 19 | 0.60 | 1978 | 62.40 | 866 | 27.32 | 498 | 15.71 | 3170 | 100 |
| 25-49 | | | 477 | 37.77 | 86 | 6.81 | 25 | 1.98 | 1263 | 100 |
| 50-74 | | | 42 | 19.44 | 4 | 1.85 | | | 216 | 100 |
| 75-99 | | | 12 | 11.21 | | | | | 107 | 100 |
| ≥100 | | | 4 | 1.95 | 1 | 0.49 | | | 205 | 100 |
| All ≥5 | 19 | 0.38 | 2513 | 50.66 | 957 | 19.29 | 523 | 10.54 | 4961 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 21 | 0.66 | 805 | 25.39 | 756 | 23.85 | 729 | 23.00 | 3170 | 100 |
| 25-49 | | | 379 | 30.01 | 179 | 14.17 | 83 | 6.57 | 1263 | 100 |
| 50-74 | | | 54 | 25.00 | 6 | 2.78 | 4 | 1.85 | 216 | 100 |
| 75-99 | | | 22 | 20.56 | 2 | 1.87 | | | 107 | 100 |
| ≥100 | | | 17 | 8.29 | | | | | 205 | 100 |
| All ≥5 | 21 | 0.42 | 1277 | 25.74 | 943 | 19.01 | 816 | 16.45 | 4961 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 40 | 1.26 | 2783 | 87.79 | 1622 | 51.17 | 1227 | 38.71 | 3170 | 100 |
| 25-49 | | | 856 | 67.78 | 265 | 20.98 | 108 | 8.55 | 1263 | 100 |
| 50-74 | | | 96 | 44.44 | 10 | 4.63 | 4 | 1.85 | 216 | 100 |
| 75-99 | | | 34 | 31.77 | 2 | 1.87 | | | 107 | 100 |
| ≥100 | | | 21 | 10.24 | 1 | 0.49 | | | 205 | 100 |
| All ≥5 | 40 | 0.80 | 3790 | 76.40 | 1900 | 38.30 | 1339 | 26.99 | 4961 | 100 |

## Appendix 2

**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 40 | 97.56 | 11 | 26.83 | 9 | 21.95 | 41 | 100 |
| 25-49 | | | 13 | 68.42 | | | 1 | 5.26 | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 53 | 88.33 | 11 | 18.33 | 10 | 16.67 | 60 | 100 |

| Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.44 | 1 | 2.44 | 12 | 29.27 | 14 | 34.15 | 41 | 100 |
| 25-49 | | | 4 | 21.05 | | | | | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | 1 | 1.67 | 5 | 8.33 | 12 | 20.00 | 14 | 23.33 | 60 | 100 |

| None or Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.44 | 41 | 100.00 | 23 | 56.10 | 23 | 56.10 | 41 | 100 |
| 25-49 | | | 17 | 89.47 | | | 1 | 5.26 | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | 1 | 1.67 | 58 | 96.66 | 23 | 38.33 | 24 | 40.00 | 60 | 100 |



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## Appendix 2

**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 64 | 69.57 | 5 | 5.43 | 13 | 14.13 | 92 | 100 |
| 25-49 | | | 35 | 38.89 | 3 | 3.33 | 2 | 2.22 | 90 | 100 |
| 50-74 | | | 5 | 11.90 | | | | | 42 | 100 |
| 75-99 | | | | | | | | | 19 | 100 |
| ≥100 | | | 1 | 3.70 | | | | | 27 | 100 |
| All ≥5 | | | 105 | 38.89 | 8 | 2.96 | 15 | 5.56 | 270 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 1.09 | 22 | 23.91 | 8 | 8.70 | 26 | 28.26 | 92 | 100 |
| 25-49 | | | 33 | 36.67 | 4 | 4.44 | 5 | 5.56 | 90 | 100 |
| 50-74 | | | 12 | 28.57 | | | | | 42 | 100 |
| 75-99 | | | 1 | 5.26 | | | | | 19 | 100 |
| ≥100 | | | 5 | 18.52 | | | | | 27 | 100 |
| All ≥5 | 1 | 0.37 | 73 | 27.04 | 12 | 4.44 | 31 | 11.48 | 270 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 1.09 | 86 | 93.48 | 13 | 14.13 | 39 | 42.39 | 92 | 100 |
| 25-49 | | | 68 | 75.56 | 7 | 7.77 | 7 | 7.78 | 90 | 100 |
| 50-74 | | | 17 | 40.47 | | | | | 42 | 100 |
| 75-99 | | | 1 | 5.26 | | | | | 19 | 100 |
| ≥100 | | | 6 | 22.22 | | | | | 27 | 100 |
| All ≥5 | 1 | 0.37 | 178 | 65.93 | 20 | 7.40 | 46 | 17.04 | 270 | 100 |

## Appendix 2

**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 96 | 48.73 | 77 | 39.09 | 23 | 11.68 | 197 | 100 |
| 25-49 | | | 29 | 34.94 | 5 | 6.02 | 1 | 1.20 | 83 | 100 |
| 50-74 | | | 1 | 12.50 | 1 | 12.50 | | | 8 | 100 |
| 75-99 | | | | | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 9 | 100 |
| All ≥5 | | | 126 | 41.58 | 83 | 27.39 | 24 | 7.92 | 303 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.51 | 64 | 32.49 | 68 | 34.52 | 56 | 28.43 | 197 | 100 |
| 25-49 | | | 25 | 30.12 | 17 | 20.48 | 10 | 12.05 | 83 | 100 |
| 50-74 | | | | | | | | | 8 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 9 | 100 |
| All ≥5 | 1 | 0.33 | 90 | 29.70 | 85 | 28.05 | 66 | 21.78 | 303 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.51 | 160 | 81.22 | 145 | 73.60 | 79 | 40.10 | 197 | 100 |
| 25-49 | | | 54 | 65.06 | 22 | 26.50 | 11 | 13.25 | 83 | 100 |
| 50-74 | | | 1 | 12.50 | 1 | 12.50 | | | 8 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 9 | 100 |
| All ≥5 | 1 | 0.33 | 216 | 71.28 | 168 | 55.45 | 90 | 29.70 | 303 | 100 |

## Appendix 2

**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 100 | 55.87 | 55 | 30.73 | 9 | 5.03 | 179 | 100 |
| 25-49 | | | 27 | 27.27 | 8 | 8.08 | | | 99 | 100 |
| 50-74 | | | 3 | 18.75 | 1 | 6.25 | | | 16 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 13 | 100 |
| All ≥5 | | | 130 | 41.67 | 64 | 20.51 | 9 | 2.88 | 312 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 47 | 26.26 | 37 | 20.67 | 36 | 20.11 | 179 | 100 |
| 25-49 | | | 24 | 24.24 | 26 | 26.26 | 4 | 4.04 | 99 | 100 |
| 50-74 | | | 3 | 18.75 | 1 | 6.25 | 1 | 6.25 | 16 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 13 | 100 |
| All ≥5 | | | 74 | 23.72 | 64 | 20.51 | 41 | 13.14 | 312 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 147 | 82.13 | 92 | 51.4 | 45 | 25.14 | 179 | 100 |
| 25-49 | | | 51 | 51.51 | 34 | 34.34 | 4 | 4.04 | 99 | 100 |
| 50-74 | | | 6 | 37.50 | 2 | 12.50 | 1 | 6.25 | 16 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 13 | 100 |
| All ≥5 | | | 204 | 65.39 | 128 | 41.02 | 50.00 | 16.02 | 312 | 100 |

## Appendix 2

**Figure 6**
**The University of Texas at Austin**
**College of Engineering**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 172 | 62.32 | 59 | 21.38 | 48 | 17.39 | 276 | 100 |
| 25-49 | | | 69 | 43.67 | 2 | 1.27 | 2 | 1.27 | 158 | 100 |
| 50-74 | | | 8 | 38.10 | | | | | 21 | 100 |
| 75-99 | | | 3 | 33.33 | | | | | 9 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | | | 252 | 54.08 | 61 | 13.09 | 50 | 10.73 | 466 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 67 | 24.28 | 72 | 26.09 | 58 | 21.01 | 276 | 100 |
| 25-49 | | | 51 | 32.28 | 7 | 4.43 | 8 | 5.06 | 158 | 100 |
| 50-74 | | | 3 | 14.29 | 1 | 4.76 | | | 21 | 100 |
| 75-99 | | | 1 | 11.11 | | | | | 9 | 100 |
| ≥100 | | | 1 | 50.00 | | | | | 2 | 100 |
| All ≥5 | | | 123 | 26.39 | 80 | 17.17 | 66 | 14.16 | 466 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 239 | 86.60 | 131 | 47.47 | 106 | 38.40 | 276 | 100 |
| 25-49 | | | 120 | 75.95 | 9 | 5.70 | 10 | 6.33 | 158 | 100 |
| 50-74 | | | 11 | 52.39 | 1 | 4.76 | | | 21 | 100 |
| 75-99 | | | 4 | 44.44 | | | | | 9 | 100 |
| ≥100 | | | 1 | 50.00 | | | | | 2 | 100 |
| All ≥5 | | | 375 | 80.47 | 141 | 30.26 | 116 | 24.89 | 466 | 100 |

## Appendix 2
### Figure 7
### The University of Texas at Austin
### School of Fine Arts
### Undergraduate Classroom Diversity Levels
### Fall 1997

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 197 | 72.16 | 112 | 41.03 | 29 | 10.62 | 273 | 100 |
| 25-49 | | | 20 | 40.00 | 12 | 24.00 | | | 50 | 100 |
| 50-74 | | | 4 | 66.67 | | | | | 6 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 221 | 65.58 | 124 | 36.80 | 29 | 8.61 | 337 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 46 | 16.85 | 77 | 28.21 | 68 | 24.91 | 273 | 100 |
| 25-49 | | | 17 | 34.00 | 9 | 18.00 | 7 | 14.00 | 50 | 100 |
| 50-74 | | | 1 | 16.67 | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | 3 | 100.00 | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 67 | 19.88 | 87 | 25.82 | 75 | 22.26 | 337 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 243 | 89.01 | 189 | 69.24 | 97 | 35.53 | 273 | 100 |
| 25-49 | | | 37 | 74.00 | 21 | 42.00 | 7 | 14 | 50 | 100 |
| 50-74 | | | 5 | 83.34 | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | 3 | 100.00 | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 288 | 85.46 | 211 | 62.62 | 104 | 30.87 | 337 | 100 |

## Appendix 2

**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 19 | 1.51 | 787 | 62.51 | 375 | 29.79 | 251 | 19.94 | 1259 | 100 |
| 25-49 | | | 148 | 39.26 | 49 | 13.00 | 7 | 1.86 | 377 | 100 |
| 50-74 | | | 11 | 16.67 | 1 | 1.52 | | | 66 | 100 |
| 75-99 | | | 4 | 11.76 | | | | | 34 | 100 |
| ≥100 | | | 2 | 2.90 | 1 | 1.45 | | | 69 | 100 |
| All ≥5 | 19 | 1.05 | 952 | 52.74 | 426 | 23.60 | 258 | 14.29 | 1805 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 14 | 1.11 | 319 | 25.34 | 300 | 23.83 | 268 | 21.29 | 1259 | 100 |
| 25-49 | | | 105 | 27.85 | 89 | 23.61 | 27 | 7.16 | 377 | 100 |
| 50-74 | | | 19 | 28.79 | 3 | 4.55 | | | 66 | 100 |
| 75-99 | | | 8 | 23.53 | 2 | 5.88 | | | 34 | 100 |
| ≥100 | | | 4 | 5.80 | | | | | 69 | 100 |
| All ≥5 | 14 | 0.78 | 455 | 25.21 | 394 | 21.83 | 295 | 16.34 | 1805 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 33 | 2.62 | 1106 | 87.85 | 675 | 53.62 | 519 | 41.23 | 1259 | 100 |
| 25-49 | | | 253 | 67.11 | 138 | 36.61 | 34 | 9.02 | 377 | 100 |
| 50-74 | | | 30 | 45.46 | 4 | 6.07 | | | 66 | 100 |
| 75-99 | | | 12 | 35.29 | 2 | 5.88 | | | 34 | 100 |
| ≥100 | | | 6 | 8.70 | 1 | 1.45 | | | 69 | 100 |
| All ≥5 | 33 | 1.83 | 1407 | 77.95 | 820 | 45.43 | 553 | 30.63 | 1805 | 100 |

## Appendix 2

**Figure 9**
**The University of Texas at Austin**
**College of Natural Sciences**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 470 | 63.00 | 138 | 18.50 | 94 | 12.60 | 746 | 100 |
| 25-49 | | | 132 | 35.97 | 6 | 1.63 | 12 | 3.27 | 367 | 100 |
| 50-74 | | | 10 | 20.00 | 1 | 2.00 | | | 50 | 100 |
| 75-99 | | | 5 | 17.24 | | | | | 29 | 100 |
| ≥100 | | | 1 | 1.43 | | | | | 70 | 100 |
| All ≥5 | | | 618 | 48.97 | 145 | 11.49 | 106 | 8.40 | 1262 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.27 | 199 | 26.68 | 157 | 21.05 | 174 | 23.32 | 746 | 100 |
| 25-49 | | | 117 | 31.88 | 23 | 6.27 | 20 | 5.45 | 367 | 100 |
| 50-74 | | | 15 | 30.00 | | | 2 | 4.00 | 50 | 100 |
| 75-99 | | | 8 | 27.59 | | | | | 29 | 100 |
| ≥100 | | | 7 | 10.00 | | | | | 70 | 100 |
| All ≥5 | 2 | 0.16 | 346 | 27.42 | 180 | 14.26 | 196 | 15.53 | 1262 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.27 | 669 | 89.68 | 295 | 39.55 | 268 | 35.92 | 746 | 100 |
| 25-49 | | | 249 | 67.85 | 29 | 7.90 | 32 | 8.72 | 367 | 100 |
| 50-74 | | | 25 | 50.00 | 1 | 2 | 2 | 4 | 50 | 100 |
| 75-99 | | | 13 | 44.83 | | | | | 29 | 100 |
| ≥100 | | | 8 | 11.43 | | | | | 70 | 100 |
| All ≥5 | 2 | 0.16 | 964 | 76.39 | 325 | 25.75 | 302 | 23.93 | 1262 | 100 |



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## Appendix 2

**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 30 | 45.45 | 26 | 39.39 | 19 | 28.79 | 66 | 100 |
| 25-49 | | | 2 | 22.22 | 1 | 11.11 | | | 9 | 100 |
| 50-74 | | | | | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 32 | 39.51 | 27 | 33.33 | 19 | 23.46 | 81 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 25 | 37.88 | 18 | 27.27 | 20 | 30.30 | 66 | 100 |
| 25-49 | | | 1 | 11.11 | 1 | 11.11 | 2 | 22.22 | 9 | 100 |
| 50-74 | | | 1 | 16.67 | | | 1 | 16.67 | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 27 | 33.33 | 19 | 23.46 | 23 | 28.40 | 81 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 55 | 83.33 | 44 | 66.66 | 39 | 59.09 | 66 | 100 |
| 25-49 | | | 3 | 33.33 | 2 | 22.22 | 2 | 22.22 | 9 | 100 |
| 50-74 | | | 1 | 16.67 | | | 1 | 16.67 | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 59 | 72.84 | 46 | 56.79 | 42 | 51.86 | 81 | 100 |

## Appendix 2

**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 1997**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 2 | 18.18 | 8 | 72.73 | | | 11 | 100 |
| 25-49 | | | | | | | | | 6 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 2 | 10.53 | 8 | 42.11 | | | 19 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 5 | 45.45 | 1 | 9.09 | | | 11 | 100 |
| 25-49 | | | 1 | 16.67 | 3 | 50.00 | | | 6 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 6 | 31.58 | 4 | 21.05 | | | 19 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 7 | 63.63 | 9 | 81.82 | | | 11 | 100 |
| 25-49 | | | 1 | 16.67 | 3 | 50.00 | | | 6 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 8 | 42.11 | 12 | 63.16 | | | 19 | 100 |



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## Appendix 3

**Figure 1**
**The University of Texas at Austin**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 16 | 0.50 | 2039 | 63.52 | 851 | 26.51 | 572 | 17.82 | 3210 | 100 |
| 25-49 | 1 | 0.08 | 477 | 37.24 | 82 | 6.40 | 35 | 2.73 | 1281 | 100 |
| 50-74 | | | 53 | 21.37 | 2 | 0.81 | | | 248 | 100 |
| 75-99 | | | 5 | 5.21 | 1 | 1.04 | | | 96 | 100 |
| ≥100 | | | 4 | 2.08 | | | | | 192 | 100 |
| All ≥5 | 17 | 0.34 | 2578 | 51.28 | 936 | 18.62 | 607 | 12.07 | 5027 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 22 | 0.69 | 805 | 25.08 | 806 | 25.11 | 809 | 25.20 | 3210 | 100 |
| 25-49 | | | 385 | 30.05 | 176 | 13.74 | 92 | 7.18 | 1281 | 100 |
| 50-74 | | | 63 | 25.40 | 5 | 2.02 | 4 | 1.61 | 248 | 100 |
| 75-99 | | | 19 | 19.79 | | | | | 96 | 100 |
| ≥100 | | | 14 | 7.29 | | | | | 192 | 100 |
| All ≥5 | 22 | 0.44 | 1286 | 25.58 | 987 | 19.63 | 905 | 18.00 | 5027 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 38 | 1.19 | 2844 | 88.60 | 1657 | 51.62 | 1381 | 43.02 | 3210 | 100 |
| 25-49 | 1 | 0.08 | 862 | 67.29 | 258 | 20.14 | 127 | 9.91 | 1281 | 100 |
| 50-74 | | | 116 | 46.77 | 7 | 2.83 | 4 | 1.61 | 248 | 100 |
| 75-99 | | | 24 | 25 | 1 | 1.04 | | | 96 | 100 |
| ≥100 | | | 18 | 9.37 | | | | | 192 | 100 |
| All ≥5 | 39 | 0.78 | 3864 | 76.86 | 1923 | 38.25 | 1512 | 30.07 | 5027 | 100 |



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## Appendix 3
**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 45 | 93.75 | 14 | 29.17 | 16 | 33.33 | 48 | 100 |
| 25-49 | | | 19 | 95.00 | | | | | 20 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 64 | 94.12 | 14 | 20.59 | 16 | 23.53 | 68 | 100 |

| Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 3 | 6.25 | 15 | 31.25 | 13 | 27.08 | 48 | 100 |
| 25-49 | | | | | | | | | 20 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 3 | 4.41 | 15 | 22.06 | 13 | 19.12 | 68 | 100 |

| None or Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 48 | 100.00 | 29 | 60.42 | 29 | 60.41 | 48 | 100 |
| 25-49 | | | 19 | 95.00 | | | | | 20 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 67 | 98.53 | 29 | 42.65 | 29 | 42.65 | 68 | 100 |

## Appendix 3
**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 54 | 62.07 | 6 | 6.90 | 15 | 17.24 | 87 | 100 |
| 25-49 | | | 31 | 37.80 | | | 6 | 7.32 | 82 | 100 |
| 50-74 | | | 10 | 23.26 | | | | | 43 | 100 |
| 75-99 | | | 3 | 17.65 | | | | | 17 | 100 |
| ≥100 | | | 1 | 3.57 | | | | | 28 | 100 |
| All ≥5 | | | 99 | 38.52 | 6 | 2.33 | 21 | 8.17 | 257 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 25 | 28.74 | 13 | 14.94 | 15 | 17.24 | 87 | 100 |
| 25-49 | | | 21 | 25.61 | 4 | 4.88 | 5 | 6.10 | 82 | 100 |
| 50-74 | | | 10 | 23.26 | | | 1 | 2.33 | 43 | 100 |
| 75-99 | | | 1 | 5.88 | | | | | 17 | 100 |
| ≥100 | | | | | | | | | 28 | 100 |
| All ≥5 | | | 57 | 22.18 | 17 | 6.61 | 21 | 8.17 | 257 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 79 | 90.81 | 19 | 21.84 | 30 | 34.48 | 87 | 100 |
| 25-49 | | | 52 | 63.41 | 4 | 4.88 | 11 | 13.42 | 82 | 100 |
| 50-74 | | | 20 | 46.52 | | | 1 | 2.33 | 43 | 100 |
| 75-99 | | | 4 | 23.53 | | | | | 17 | 100 |
| ≥100 | | | 1 | 3.57 | | | | | 28 | 100 |
| All ≥5 | | | 156 | 60.70 | 23 | 8.94 | 42 | 16.34 | 257 | 100 |

## Appendix 3

**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 106 | 55.79 | 64 | 33.68 | 24 | 12.63 | 190 | 100 |
| 25-49 | | | 29 | 34.94 | 10 | 12.05 | 3 | 3.61 | 83 | 100 |
| 50-74 | | | 2 | 15.38 | 1 | 7.69 | | | 13 | 100 |
| 75-99 | | | | | | | | | 4 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | | | 137 | 45.51 | 75 | 24.92 | 27 | 8.97 | 301 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 57 | 30.00 | 67 | 35.26 | 53 | 27.89 | 190 | 100 |
| 25-49 | | | 32 | 38.55 | 16 | 19.28 | 11 | 13.25 | 83 | 100 |
| 50-74 | | | 2 | 15.38 | 1 | 7.69 | | | 13 | 100 |
| 75-99 | | | 1 | 25.00 | | | | | 4 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | | | 92 | 30.56 | 84 | 27.91 | 64 | 21.26 | 301 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 183 | 85.79 | 131 | 68.94 | 77 | 40.52 | 190 | 100 |
| 25-49 | | | 61 | 73.49 | 26 | 31.33 | 14 | 16.86 | 83 | 100 |
| 50-74 | | | 4 | 30.76 | 2 | 15.38 | | | 13 | 100 |
| 75-99 | | | 1 | 25.00 | | | | | 4 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | | | 229 | 76.07 | 159 | 52.83 | 91 | 30.23 | 301 | 100 |

# Appendix 3

**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.65 | 97 | 62.99 | 40 | 25.97 | 18 | 11.69 | 154 | 100 |
| 25-49 | | | 40 | 29.20 | 11 | 8.03 | | | 137 | 100 |
| 50-74 | | | | | | | | | 18 | 100 |
| 75-99 | | | | | | | | | 2 | 100 |
| ≥100 | | | | | | | | | 14 | 100 |
| All ≥5 | 1 | 0.31 | 137 | 42.15 | 51 | 15.69 | 18 | 5.54 | 325 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 40 | 25.97 | 49 | 31.82 | 29 | 18.83 | 154 | 100 |
| 25-49 | | | 30 | 21.90 | 27 | 19.71 | 3 | 2.19 | 137 | 100 |
| 50-74 | | | 1 | 5.56 | 1 | 5.56 | | | 18 | 100 |
| 75-99 | | | | | | | | | 2 | 100 |
| ≥100 | | | | | | | | | 14 | 100 |
| All ≥5 | | | 71 | 21.85 | 77 | 23.69 | 32 | 9.85 | 325 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.65 | 137 | 88.96 | 89 | 57.79 | 47 | 30.52 | 154 | 100 |
| 25-49 | | | 70 | 51.10 | 38 | 27.74 | 3 | 2.19 | 137 | 100 |
| 50-74 | | | 1 | 5.56 | 1 | 5.56 | | | 18 | 100 |
| 75-99 | | | | | | | | | 2 | 100 |
| ≥100 | | | | | | | | | 14 | 100 |
| All ≥5 | 1 | 0.31 | 208 | 64.00 | 128 | 39.38 | 50 | 15.39 | 325 | 100 |

## Appendix 3
**Figure 6**
**The University of Texas at Austin**
**College of Engineering**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.38 | 171 | 65.27 | 47 | 17.94 | 56 | 21.37 | 262 | 100 |
| 25-49 | | | 63 | 42.00 | 6 | 4.00 | 8 | 5.33 | 150 | 100 |
| 50-74 | | | 9 | 25.71 | | | | | 35 | 100 |
| 75-99 | | | | | | | | | 4 | 100 |
| ≥100 | | | 1 | 33.33 | | | | | 3 | 100 |
| All ≥5 | 1 | 0.22 | 244 | 53.74 | 53 | 11.67 | 64 | 14.10 | 454 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 4 | 1.53 | 63 | 24.05 | 73 | 27.86 | 74 | 28.24 | 262 | 100 |
| 25-49 | | | 40 | 26.67 | 6 | 4.00 | 8 | 5.33 | 150 | 100 |
| 50-74 | | | 9 | 25.71 | | | 2 | 5.71 | 35 | 100 |
| 75-99 | | | 1 | 25.00 | | | | | 4 | 100 |
| ≥100 | | | | | | | | | 3 | 100 |
| All ≥5 | 4 | 0.88 | 113 | 24.89 | 79 | 17.40 | 84 | 18.50 | 454 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 5 | 1.91 | 234 | 89.32 | 120 | 45.80 | 130 | 49.61 | 262 | 100 |
| 25-49 | | | 103 | 68.67 | 12 | 8 | 16 | 10.66 | 150 | 100 |
| 50-74 | | | 18 | 51.42 | | | 2 | 5.71 | 35 | 100 |
| 75-99 | | | 1 | 25.00 | | | | | 4 | 100 |
| ≥100 | | | 1 | 33.33 | | | | | 3 | 100 |
| All ≥5 | 5 | 1.10 | 357 | 78.63 | 132 | 29.07 | 148 | 32.60 | 454 | 100 |

## Appendix 3
**Figure 7**
**The University of Texas at Austin**
**School of Fine Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 205 | 72.18 | 104 | 36.62 | 37 | 13.03 | 284 | 100 |
| 25-49 | | | 15 | 51.72 | 5 | 17.24 | | | 29 | 100 |
| 50-74 | | | 2 | 33.33 | | | | | 6 | 100 |
| 75-99 | | | 1 | 12.50 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 4 | 100 |
| All ≥5 | | | 223 | 67.37 | 109 | 32.93 | 37 | 11.18 | 331 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.35 | 61 | 21.48 | 80 | 28.17 | 74 | 26.06 | 284 | 100 |
| 25-49 | | | 8 | 20.69 | 5 | 17.24 | | | 29 | 100 |
| 50-74 | | | 4 | 66.67 | | | | | 6 | 100 |
| 75-99 | | | 3 | 37.50 | | | | | 8 | 100 |
| ≥100 | | | 1 | 25.00 | | | | | 4 | 100 |
| All ≥5 | 1 | 0.30 | 75 | 22.66 | 85 | 25.68 | 74 | 22.36 | 331 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.35 | 266 | 93.66 | 184 | 64.79 | 111 | 39.09 | 284 | 100 |
| 25-49 | | | 21 | 72.41 | 10 | 34.48 | | | 29 | 100 |
| 50-74 | | | 6 | 100.00 | | | | | 6 | 100 |
| 75-99 | | | 4 | 50.00 | | | | | 8 | 100 |
| ≥100 | | | 1 | 25.00 | | | | | 4 | 100 |
| All ≥5 | 1 | 0.30 | 298 | 90.03 | 194 | 58.61 | 111 | 33.54 | 331 | 100 |

# Appendix 3

**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 14 | 1.10 | 778 | 61.36 | 373 | 29.42 | 245 | 19.32 | 1268 | 100 |
| 25-49 | 1 | 0.26 | 149 | 38.40 | 44 | 11.34 | 11 | 2.84 | 388 | 100 |
| 50-74 | | | 9 | 18.00 | 1 | 2.00 | | | 50 | 100 |
| 75-99 | | | 1 | 2.50 | 1 | 2.50 | | | 40 | 100 |
| ≥100 | | | | | | | | | 57 | 100 |
| All ≥5 | 15 | 0.83 | 937 | 51.97 | 419 | 23.24 | 256 | 14.20 | 1803 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 15 | 1.18 | 322 | 25.39 | 315 | 24.84 | 301 | 23.74 | 1268 | 100 |
| 25-49 | | | 119 | 30.67 | 87 | 22.42 | 39 | 10.05 | 388 | 100 |
| 50-74 | | | 12 | 24.00 | 3 | 6.00 | | | 50 | 100 |
| 75-99 | | | 6 | 15.00 | | | | | 40 | 100 |
| ≥100 | | | 8 | 14.04 | | | | | 57 | 100 |
| All ≥5 | 15 | 0.83 | 467 | 25.90 | 405 | 22.46 | 340 | 18.86 | 1803 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 29 | 2.28 | 1100 | 86.75 | 688 | 54.26 | 548 | 43.06 | 1268 | 100 |
| 25-49 | 1 | 0.26 | 268 | 69.07 | 131 | 33.76 | 50 | 12.89 | 388 | 100 |
| 50-74 | | | 21 | 42.00 | 4 | 8 | | | 50 | 100 |
| 75-99 | | | 7 | 17.50 | 1 | 2.50 | | | 40 | 100 |
| ≥100 | | | 8 | 14.04 | | | | | 57 | 100 |
| All ≥5 | 30 | 1.66 | 1404 | 77.87 | 824 | 45.70 | 598 | 33.06 | 1803 | 100 |

## Appendix 3
**Figure 9**
**The University of Texas at Austin**
**College of Natural Sciences**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 476 | 63.47 | 155 | 20.67 | 130 | 17.33 | 750 | 100 |
| 25-49 | | | 129 | 35.25 | 6 | 1.64 | 7 | 1.91 | 366 | 100 |
| 50-74 | | | 19 | 26.03 | | | | | 73 | 100 |
| 75-99 | | | | | | | | | 19 | 100 |
| ≥100 | | | 2 | 3.03 | | | | | 66 | 100 |
| All ≥5 | | | 626 | 49.14 | 161 | 12.64 | 137 | 10.75 | 1274 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.13 | 197 | 26.27 | 145 | 19.33 | 199 | 26.53 | 750 | 100 |
| 25-49 | | | 127 | 34.70 | 22 | 6.01 | 22 | 6.01 | 366 | 100 |
| 50-74 | | | 22 | 30.14 | | | 1 | 1.37 | 73 | 100 |
| 75-99 | | | 7 | 36.84 | | | | | 19 | 100 |
| ≥100 | | | 5 | 7.58 | | | | | 66 | 100 |
| All ≥5 | 1 | 0.08 | 358 | 28.10 | 167 | 13.11 | 222 | 17.43 | 1274 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.13 | 673 | 89.74 | 300 | 40.00 | 329 | 43.86 | 750 | 100 |
| 25-49 | | | 256 | 69.95 | 28 | 7.65 | 29 | 7.92 | 366 | 100 |
| 50-74 | | | 41 | 56.17 | | | 1 | 1.37 | 73 | 100 |
| 75-99 | | | 7 | 36.84 | | | | | 19 | 100 |
| ≥100 | | | 7 | 10.61 | | | | | 66 | 100 |
| All ≥5 | 1 | 0.08 | 984 | 77.24 | 328 | 25.75 | 359 | 28.18 | 1274 | 100 |

## Appendix 3
**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 37 | 59.68 | 28 | 45.16 | 21 | 33.87 | 62 | 100 |
| 25-49 | | | | | | | | | 8 | 100 |
| 50-74 | | | 2 | 22.22 | | | | | 9 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 39 | 49.37 | 28 | 35.44 | 21 | 26.58 | 79 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 17 | 27.42 | 23 | 37.10 | 22 | 35.48 | 62 | 100 |
| 25-49 | | | 5 | 62.50 | 2 | 25.00 | 3 | 37.50 | 8 | 100 |
| 50-74 | | | 2 | 22.22 | | | | | 9 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 24 | 30.38 | 25 | 31.65 | 25 | 31.65 | 79 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 54 | 87.10 | 51 | 82.26 | 43 | 69.35 | 62 | 100 |
| 25-49 | | | 5 | 62.50 | 2 | 25.00 | 3 | 37.50 | 8 | 100 |
| 50-74 | | | 4 | 44.44 | | | | | 9 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 63 | 79.75 | 53 | 67.09 | 46 | 58.23 | 79 | 100 |

## Appendix 3
**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 1998**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 6 | 37.50 | 10 | 62.50 | | | 16 | 100 |
| 25-49 | | | 1 | 7.14 | | | | | 14 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 7 | 22.58 | 10 | 32.26 | | | 31 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 4 | 25.00 | 5 | 31.25 | 1 | 6.25 | 16 | 100 |
| 25-49 | | | 3 | 21.43 | 7 | 50.00 | 1 | 7.14 | 14 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 7 | 22.58 | 12 | 38.71 | 2 | 6.45 | 31 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 10 | 62.50 | 15 | 93.75 | 1 | 6.25 | 16 | 100 |
| 25-49 | | | 4 | 28.57 | 7 | 50.00 | 1 | 7.14 | 14 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 14 | 45.16 | 22 | 70.97 | 2 | 6.45 | 31 | 100 |

## Appendix 4
### Figure 1
### The University of Texas at Austin
### Undergraduate Classroom Diversity Levels
### Fall 1999

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 17 | 0.52 | 2115 | 64.52 | 852 | 25.99 | 592 | 18.06 | 3278 | 100 |
| 25-49 | 1 | 0.08 | 524 | 39.49 | 78 | 5.88 | 51 | 3.84 | 1327 | 100 |
| 50-74 | | | 47 | 23.86 | 3 | 1.52 | | | 197 | 100 |
| 75-99 | | | 12 | 12.90 | | | | | 93 | 100 |
| ≥100 | | | 3 | 1.51 | | | | | 199 | 100 |
| All ≥5 | 18 | 0.35 | 2701 | 53.02 | 933 | 18.32 | 643 | 12.62 | 5094 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 30 | 0.92 | 822 | 25.08 | 797 | 24.31 | 784 | 23.92 | 3278 | 100 |
| 25-49 | | | 409 | 30.82 | 133 | 10.02 | 112 | 8.44 | 1327 | 100 |
| 50-74 | | | 63 | 31.98 | 8 | 4.06 | 1 | 0.51 | 197 | 100 |
| 75-99 | | | 15 | 16.13 | 1 | 1.08 | | | 93 | 100 |
| ≥100 | | | 15 | 7.54 | 1 | 0.50 | | | 199 | 100 |
| All ≥5 | 30 | 0.59 | 1324 | 25.99 | 940 | 18.45 | 897 | 17.61 | 5094 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 47 | 1.44 | 2937 | 89.60 | 1649 | 50.30 | 1376 | 41.98 | 3278 | 100 |
| 25-49 | 1 | 0.08 | 933 | 70.31 | 211 | 15.90 | 163 | 12.28 | 1327 | 100 |
| 50-74 | | | 110 | 55.84 | 11 | 5.58 | 1 | 0.51 | 197 | 100 |
| 75-99 | | | 27 | 29.03 | 1 | 1.08 | | | 93 | 100 |
| ≥100 | | | 18 | 9.05 | 1 | 0.50 | | | 199 | 100 |
| All ≥5 | 48 | 0.94 | 4025 | 79.01 | 1873 | 36.77 | 1540 | 30.23 | 5094 | 100 |

## Appendix 4
**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 47 | 95.92 | 14 | 28.57 | 14 | 28.57 | 49 | 100 |
| 25-49 | | | 20 | 90.91 | | | | | 22 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 67 | 94.37 | 14 | 19.72 | 14 | 19.72 | 71 | 100 |

| Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 2 | 4.08 | 19 | 38.78 | 17 | 34.69 | 49 | 100 |
| 25-49 | | | 1 | 4.55 | 1 | 4.55 | 3 | 13.64 | 22 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 3 | 4.23 | 20 | 28.17 | 20 | 28.17 | 71 | 100 |

| None or Only One Student | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 49 | 100.00 | 33 | 67.35 | 31 | 63.26 | 49 | 100 |
| 25-49 | | | 21 | 95348 | 1 | 4.55 | 3 | 13.64 | 22 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 70 | 98.60 | 34 | 47.89 | 34 | 47.89 | 71 | 100 |

## Appendix 4
### Figure 3
### The University of Texas at Austin
### McCombs School of Business
### Undergraduate Classroom Diversity Levels
### Fall 1999

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 35 | 47.30 | 4 | 5.41 | 11 | 14.86 | 74 | 100 |
| 25-49 | | | 44 | 40.74 | | | 3 | 2.78 | 108 | 100 |
| 50-74 | | | 11 | 35.48 | | | | | 31 | 100 |
| 75-99 | | | 3 | 17.65 | | | | | 17 | 100 |
| ≥100 | | | | | | | | | 33 | 100 |
| All ≥5 | | | 93 | 35.36 | 4 | 1.52 | 14 | 5.32 | 263 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 1.35 | 26 | 35.14 | 11 | 14.86 | 16 | 21.62 | 74 | 100 |
| 25-49 | | | 37 | 34.26 | 4 | 3.70 | 23 | 21.30 | 108 | 100 |
| 50-74 | | | 8 | 25.81 | | | | | 31 | 100 |
| 75-99 | | | 2 | 11.76 | | | | | 17 | 100 |
| ≥100 | | | 3 | 9.09 | | | | | 33 | 100 |
| All ≥5 | 1 | 0.38 | 76 | 28.90 | 15 | 5.70 | 39 | 14.83 | 263 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 1.35 | 61 | 82.44 | 15 | 20.27 | 27 | 36.48 | 74 | 100 |
| 25-49 | | | 81 | 75.00 | 4 | 3.70 | 26 | 24.08 | 108 | 100 |
| 50-74 | | | 19 | 61.29 | | | | | 31 | 100 |
| 75-99 | | | 5 | 29.41 | | | | | 17 | 100 |
| ≥100 | | | 3 | 9.09 | | | | | 33 | 100 |
| All ≥5 | 1 | 0.38 | 169 | 64.26 | 19 | 7.22 | 53 | 20.15 | 263 | 100 |

## Appendix 4
**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 125 | 63.78 | 69 | 35.20 | 27 | 13.78 | 196 | 100 |
| 25-49 | | | 36 | 40.00 | 8 | 8.89 | 4 | 4.44 | 90 | 100 |
| 50-74 | | | 3 | 37.50 | | | | | 8 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 10 | 100 |
| All ≥5 | | | 164 | 53.42 | 77 | 25.08 | 31 | 10.10 | 307 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 46 | 23.47 | 72 | 36.73 | 39 | 19.90 | 196 | 100 |
| 25-49 | | | 32 | 35.56 | 11 | 12.22 | 7 | 7.78 | 90 | 100 |
| 50-74 | | | 1 | 12.50 | 1 | 12.50 | | | 8 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 10 | 100 |
| All ≥5 | | | 79 | 25.73 | 84 | 27.36 | 46 | 14.98 | 307 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 171 | 87.25 | 141 | 71.93 | 66 | 33.68 | 196 | 100 |
| 25-49 | | | 68 | 75.56 | 19 | 21.11 | 11 | 12.22 | 90 | 100 |
| 50-74 | | | 4 | 50.00 | 1 | 12.50 | | | 8 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 10 | 100 |
| All ≥5 | | | 243 | 79.15 | 161 | 52.44 | 77 | 25.08 | 307 | 100 |

## Appendix 4
### Figure 5
### The University of Texas at Austin
### College of Education
### Undergraduate Classroom Diversity Levels
### Fall 1999

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.57 | 77 | 44.00 | 45 | 25.71 | 9 | 5.14 | 175 | 100 |
| 25-49 | | | 37 | 29.37 | 10 | 7.94 | | | 126 | 100 |
| 50-74 | | | 1 | 5.88 | 1 | 5.88 | | | 17 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 13 | 100 |
| All ≥5 | 1 | 0.30 | 115 | 34.43 | 56 | 16.77 | 9 | 2.69 | 334 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 71 | 40.57 | 54 | 30.86 | 32 | 18.29 | 175 | 100 |
| 25-49 | | | 31 | 24.60 | 14 | 11.11 | 1 | 0.79 | 126 | 100 |
| 50-74 | | | 4 | 23.53 | 2 | 11.76 | | | 17 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | 1 | 7.69 | | | | | 13 | 100 |
| All ≥5 | | | 107 | 32.04 | 70 | 20.96 | 33 | 9.88 | 334 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.57 | 148 | 84.57 | 99 | 56.57 | 41 | 23.43 | 175 | 100 |
| 25-49 | | | 68 | 53.97 | 24 | 19.05 | 1 | 0.79 | 126 | 100 |
| 50-74 | | | 5 | 29.41 | 3 | 17.64 | | | 17 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | 1 | 7.69 | | | | | 13 | 100 |
| All ≥5 | 1 | 0.30 | 222 | 66.47 | 126 | 37.73 | 42 | 12.57 | 334 | 100 |

# Appendix 4

**Figure 6**
**The University of Texas at Austin**
**College of Engineering**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 173 | 61.13 | 38 | 13.43 | 55 | 19.43 | 283 | 100 |
| 25-49 | | | 51 | 34.46 | 1 | 0.68 | 10 | 6.76 | 148 | 100 |
| 50-74 | | | 12 | 37.50 | | | | | 32 | 100 |
| 75-99 | | | 2 | 28.57 | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | | | 238 | 50.42 | 39 | 8.26 | 65 | 13.77 | 472 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.71 | 87 | 30.74 | 65 | 22.97 | 67 | 23.67 | 283 | 100 |
| 25-49 | | | 55 | 37.16 | 5 | 3.38 | 8 | 5.41 | 148 | 100 |
| 50-74 | | | 14 | 43.75 | | | | | 32 | 100 |
| 75-99 | | | 2 | 28.57 | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | 2 | 0.42 | 158 | 33.47 | 70 | 14.83 | 75 | 15.89 | 472 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.71 | 260 | 91.87 | 103 | 36.40 | 122 | 43.10 | 283 | 100 |
| 25-49 | | | 106 | 71.62 | 6 | 4.06 | 18 | 12.17 | 148 | 100 |
| 50-74 | | | 26 | 81.25 | | | | | 32 | 100 |
| 75-99 | | | 4 | 57.14 | | | | | 7 | 100 |
| ≥100 | | | | | | | | | 2 | 100 |
| All ≥5 | 2 | 0.42 | 396 | 83.89 | 109 | 23.09 | 140 | 29.66 | 472 | 100 |

## Appendix 4
### Figure 7
### The University of Texas at Austin
### School of Fine Arts
### Undergraduate Classroom Diversity Levels
### Fall 1999

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 213 | 72.20 | 106 | 35.93 | 48 | 16.27 | 295 | 100 |
| 25-49 | | | 12 | 54.55 | 1 | 4.55 | 1 | 4.55 | 22 | 100 |
| 50-74 | | | 2 | 20.00 | | | | | 10 | 100 |
| 75-99 | | | 3 | 60.00 | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 1 | 0.30 | 230 | 68.25 | 107 | 31.75 | 49 | 14.54 | 337 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 63 | 21.36 | 92 | 31.19 | 84 | 28.47 | 295 | 100 |
| 25-49 | | | 5 | 22.73 | 5 | 22.73 | 2 | 9.09 | 22 | 100 |
| 50-74 | | | 5 | 50.00 | | | | | 10 | 100 |
| 75-99 | | | 1 | 20.00 | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 74 | 21.96 | 97 | 28.78 | 86 | 25.52 | 337 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 276 | 93.56 | 198 | 67.12 | 132 | 44.74 | 295 | 100 |
| 25-49 | | | 17 | 77.28 | 6 | 27.28 | 3 | 13.64 | 22 | 100 |
| 50-74 | | | 7 | 70.00 | | | | | 10 | 100 |
| 75-99 | | | 4 | 80.00 | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 1 | 0.30 | 304 | 90.21 | 204 | 60.53 | 135 | 40.06 | 337 | 100 |

## Appendix 4

**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 12 | 0.93 | 840 | 64.76 | 390 | 30.07 | 263 | 20.28 | 1297 | 100 |
| 25-49 | 1 | 0.26 | 160 | 42.22 | 40 | 10.55 | 20 | 5.28 | 379 | 100 |
| 50-74 | | | 3 | 9.09 | 2 | 6.06 | | | 33 | 100 |
| 75-99 | | | 2 | 5.88 | | | | | 34 | 100 |
| ≥100 | | | 1 | 1.69 | | | | | 59 | 100 |
| All ≥5 | 13 | 0.72 | 1006 | 55.83 | 432 | 23.97 | 283 | 15.70 | 1802 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 22 | 1.70 | 302 | 23.28 | 304 | 23.44 | 294 | 22.67 | 1297 | 100 |
| 25-49 | | | 113 | 29.82 | 69 | 18.21 | 34 | 8.97 | 379 | 100 |
| 50-74 | | | 11 | 33.33 | 5 | 15.15 | | | 33 | 100 |
| 75-99 | | | 6 | 17.65 | 1 | 2.94 | | | 34 | 100 |
| ≥100 | | | 5 | 8.47 | 1 | 1.69 | | | 59 | 100 |
| All ≥5 | 22 | 1.22 | 437 | 24.25 | 380 | 21.09 | 328 | 18.20 | 1802 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 34 | 2.63 | 1142 | 88.04 | 694 | 53.51 | 557 | 42.95 | 1297 | 100 |
| 25-49 | 1 | 0.26 | 273 | 72.04 | 109 | 28.76 | 54 | 14.25 | 379 | 100 |
| 50-74 | | | 14 | 42.42 | 7 | 21.21 | | | 33 | 100 |
| 75-99 | | | 8 | 23.53 | 1 | 2.94 | | | 34 | 100 |
| ≥100 | | | 6 | 10.16 | 1 | 1.69 | | | 59 | 100 |
| All ≥5 | 35 | 1.94 | 1443 | 80.08 | 812 | 45.06 | 611 | 33.90 | 1802 | 100 |

## Appendix 4

**Figure 9**
**The University of Texas at Austin**
**College of Natural Sciences**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.27 | 496 | 67.03 | 142 | 19.19 | 130 | 17.57 | 740 | 100 |
| 25-49 | | | 152 | 37.62 | 13 | 3.22 | 13 | 3.22 | 404 | 100 |
| 50-74 | | | 15 | 25.42 | | | | | 59 | 100 |
| 75-99 | | | 2 | 9.09 | | | | | 22 | 100 |
| ≥100 | | | 2 | 2.90 | | | | | 69 | 100 |
| All ≥5 | 2 | 0.15 | 667 | 51.55 | 155 | 11.98 | 143 | 11.05 | 1294 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 5 | 0.68 | 180 | 24.32 | 144 | 19.46 | 185 | 25.00 | 740 | 100 |
| 25-49 | | | 131 | 32.43 | 16 | 3.96 | 32 | 7.92 | 404 | 100 |
| 50-74 | | | 15 | 25.42 | | | 1 | 1.69 | 59 | 100 |
| 75-99 | | | 4 | 18.18 | | | | | 22 | 100 |
| ≥100 | | | 6 | 8.70 | | | | | 69 | 100 |
| All ≥5 | 5 | 0.39 | 336 | 25.97 | 160 | 12.36 | 218 | 16.85 | 1294 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 7 | 0.95 | 676 | 91.35 | 286 | 38.65 | 315 | 42.57 | 740 | 100 |
| 25-49 | | | 283 | 70.05 | 29 | 7.18 | 45 | 11.14 | 404 | 100 |
| 50-74 | | | 30 | 50.84 | | | 1 | 1.69 | 59 | 100 |
| 75-99 | | | 6 | 27.27 | | | | | 22 | 100 |
| ≥100 | | | 8 | 11.60 | | | | | 69 | 100 |
| All ≥5 | 7 | 0.54 | 1003 | 77.52 | 315 | 24.34 | 361 | 27.90 | 1294 | 100 |

## Appendix 4

**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 47 | 81.03 | 29 | 50.00 | 17 | 29.31 | 58 | 100 |
| 25-49 | | | 6 | 50.00 | 2 | 16.67 | | | 12 | 100 |
| 50-74 | | | | | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 53 | 69.74 | 31 | 40.79 | 17 | 22.37 | 76 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 10 | 17.24 | 15 | 25.86 | 15 | 25.86 | 58 | 100 |
| 25-49 | | | 2 | 16.67 | 2 | 16.67 | 2 | 16.67 | 12 | 100 |
| 50-74 | | | 5 | 83.33 | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 17 | 22.37 | 17 | 22.37 | 17 | 22.37 | 76 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 57 | 98.27 | 44 | 75.86 | 32 | 55.17 | 58 | 100 |
| 25-49 | | | 8 | 66.67 | 4 | 33.34 | 2 | 16.67 | 12 | 100 |
| 50-74 | | | 5 | 83.33 | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 70 | 92.11 | 48 | 63.16 | 34 | 44.74 | 76 | 100 |

## Appendix 4

**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 1999**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 3 | 30.00 | 4 | 40.00 | | | 10 | 100 |
| 25-49 | | | 4 | 36.36 | 3 | 27.27 | | | 11 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 7 | 31.82 | 7 | 31.82 | | | 22 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 4 | 40.00 | 4 | 40.00 | 4 | 40.00 | 10 | 100 |
| 25-49 | | | | | 6 | 54.55 | | | 11 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 4 | 18.18 | 10 | 45.45 | 4 | 18.18 | 22 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 7 | 70.00 | 8 | 80.00 | 4 | 40.00 | 10 | 100 |
| 25-49 | | | 4 | 36.36 | 9 | 81.82 | | | 11 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | 1 | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 11 | 50.00 | 17 | 77.27 | 4 | 18.18 | 22 | 100 |

## Appendix 5
### Figure 1
### The University of Texas at Austin
### Undergraduate Classroom Diversity Levels
### Fall 2000

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 13 | 0.38 | 2189 | 64.71 | 819 | 24.21 | 571 | 16.88 | 3383 | 100 |
| 25-49 | | | 495 | 36.61 | 72 | 5.33 | 36 | 2.66 | 1352 | 100 |
| 50-74 | | | 39 | 19.70 | 7 | 3.54 | 2 | 1.01 | 198 | 100 |
| 75-99 | | | 15 | 13.64 | 1 | 0.91 | | | 110 | 100 |
| ≥100 | | | 7 | 3.54 | | | | | 198 | 100 |
| All ≥5 | 13 | 0.25 | 2745 | 52.38 | 899 | 17.15 | 609 | 11.62 | 5241 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 37 | 1.09 | 843 | 24.92 | 836 | 24.71 | 885 | 26.16 | 3383 | 100 |
| 25-49 | 3 | 0.22 | 453 | 33.51 | 125 | 9.25 | 131 | 9.69 | 1352 | 100 |
| 50-74 | | | 69 | 34.85 | 6 | 3.03 | 5 | 2.53 | 198 | 100 |
| 75-99 | | | 21 | 19.09 | | | | | 110 | 100 |
| ≥100 | | | 13 | 6.57 | | | | | 198 | 100 |
| All ≥5 | 40 | 0.76 | 1399 | 26.69 | 967 | 18.45 | 1021 | 19.48 | 5241 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 50 | 1.47 | 3032 | 89.63 | 1655 | 48.92 | 1456 | 43.04 | 3383 | 100 |
| 25-49 | 3 | 0.22 | 948 | 70.12 | 197 | 14.58 | 167 | 12.35 | 1352 | 100 |
| 50-74 | | | 108 | 54.55 | 13 | 6.57 | 7 | 3.54 | 198 | 100 |
| 75-99 | | | 36 | 32.73 | 1 | 0.91 | | | 110 | 100 |
| ≥100 | | | 20 | 10.11 | | | | | 198 | 100 |
| All ≥5 | 53 | 1.01 | 4144 | 79.07 | 1868 | 35.60 | 1630 | 31.10 | 5241 | 100 |

## Appendix 5
**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 52 | 91.23 | 19 | 33.33 | 17 | 29.82 | 57 | 100 |
| 25-49 | | | 15 | 78.95 | 1 | 5.26 | | | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 67 | 88.16 | 20 | 26.32 | 17 | 22.37 | 76 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 4 | 7.02 | 14 | 24.56 | 21 | 36.84 | 57 | 100 |
| 25-49 | | | 4 | 21.05 | 1 | 5.26 | 1 | 5.26 | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 8 | 10.53 | 15 | 19.74 | 22 | 28.95 | 76 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 56 | 98.25 | 33 | 57.89 | 38 | 66.66 | 57 | 100 |
| 25-49 | | | 19 | 100.00 | 2 | 10.52 | 1 | 5.26 | 19 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 75 | 98.69 | 35 | 46.06 | 39 | 51.32 | 76 | 100 |

## Appendix 5
**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 37 | 56.06 | 1 | 1.52 | 6 | 9.09 | 66 | 100 |
| 25-49 | | | 37 | 33.94 | | | 10 | 9.17 | 109 | 100 |
| 50-74 | | | 3 | 11.11 | | | 1 | 3.70 | 27 | 100 |
| 75-99 | | | 2 | 8.70 | | | | | 23 | 100 |
| ≥100 | | | 1 | 3.45 | | | | | 29 | 100 |
| All ≥5 | | | 80 | 31.50 | 1 | 0.39 | 17 | 6.69 | 254 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 17 | 25.76 | 9 | 13.64 | 15 | 22.73 | 66 | 100 |
| 25-49 | | | 47 | 43.12 | 1 | 0.92 | 18 | 16.51 | 109 | 100 |
| 50-74 | | | 9 | 33.33 | | | 2 | 7.41 | 27 | 100 |
| 75-99 | | | 4 | 17.39 | | | | | 23 | 100 |
| ≥100 | | | 3 | 10.34 | | | | | 29 | 100 |
| All ≥5 | | | 80 | 31.50 | 10 | 3.94 | 35 | 13.78 | 254 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 54 | 81.82 | 10 | 15.16 | 21 | 31.82 | 66 | 100 |
| 25-49 | | | 84 | 77.06 | 1 | 0.92 | 28 | 25.68 | 109 | 100 |
| 50-74 | | | 12 | 44.44 | | | 3 | 11.11 | 27 | 100 |
| 75-99 | | | 6 | 26.09 | | | | | 23 | 100 |
| ≥100 | | | 4 | 13.79 | | | | | 29 | 100 |
| All ≥5 | | | 160 | 63.00 | 11 | 4.33 | 52 | 20.47 | 254 | 100 |

## Appendix 5

**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 116 | 60.42 | 60 | 31.25 | 18 | 9.38 | 192 | 100 |
| 25-49 | | | 36 | 42.86 | 9 | 10.71 | 1 | 1.19 | 84 | 100 |
| 50-74 | | | | | 1 | 9.09 | | | 11 | 100 |
| 75-99 | | | 1 | 33.33 | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | | | 153 | 50.83 | 70 | 23.26 | 19 | 6.31 | 301 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.52 | 57 | 29.69 | 77 | 40.10 | 56 | 29.17 | 192 | 100 |
| 25-49 | | | 27 | 32.14 | 17 | 20.24 | 9 | 10.71 | 84 | 100 |
| 50-74 | | | 5 | 45.45 | 2 | 18.18 | | | 11 | 100 |
| 75-99 | | | 1 | 33.33 | | | | | 3 | 100 |
| ≥100 | | | 1 | 9.09 | | | | | 11 | 100 |
| All ≥5 | 1 | 0.33 | 91 | 30.23 | 96 | 31.89 | 65 | 21.59 | 301 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.52 | 173 | 90.11 | 137 | 71.35 | 74 | 38.55 | 192 | 100 |
| 25-49 | | | 63 | 75.00 | 26 | 30.95 | 10 | 11.90 | 84 | 100 |
| 50-74 | | | 5 | 45.45 | 3 | 27.27 | | | 11 | 100 |
| 75-99 | | | 2 | 66.66 | | | | | 3 | 100 |
| ≥100 | | | 1 | 9.09 | | | | | 11 | 100 |
| All ≥5 | 1 | 0.33 | 244 | 81.06 | 166 | 55.15 | 84 | 27.90 | 301 | 100 |

## Appendix 5

**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.60 | 106 | 63.10 | 39 | 23.21 | 11 | 6.55 | 168 | 100 |
| 25-49 | | | 29 | 23.39 | 11 | 8.87 | | | 124 | 100 |
| 50-74 | | | 2 | 11.76 | | | | | 17 | 100 |
| 75-99 | | | | | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | 1 | 0.30 | 137 | 41.77 | 50 | 15.24 | 11 | 3.35 | 328 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.60 | 38 | 22.62 | 54 | 32.14 | 33 | 19.64 | 168 | 100 |
| 25-49 | 1 | 0.81 | 38 | 30.65 | 13 | 10.48 | 9 | 7.26 | 124 | 100 |
| 50-74 | | | 1 | 5.88 | 3 | 17.65 | | | 17 | 100 |
| 75-99 | | | 1 | 12.50 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | 2 | 0.61 | 78 | 23.78 | 70 | 21.34 | 42 | 12.80 | 328 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 1.20 | 144 | 85.72 | 93 | 55.35 | 44 | 26.19 | 168 | 100 |
| 25-49 | 1 | 0.81 | 67 | 54.04 | 24 | 19.35 | 9 | 7.26 | 124 | 100 |
| 50-74 | | | 3 | 17.64 | 3 | 17.65 | | | 17 | 100 |
| 75-99 | | | 1 | 12.50 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | 3 | 0.91 | 215 | 65.55 | 120 | 36.58 | 53 | 16.15 | 328 | 100 |

## Appendix 5
**Figure 6**
**The University of Texas at Austin**
**College of Engineering**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 193 | 66.55 | 42 | 14.48 | 55 | 18.97 | 290 | 100 |
| 25-49 | | | 65 | 41.67 | 1 | 0.64 | 4 | 2.56 | 156 | 100 |
| 50-74 | | | 12 | 33.33 | | | | | 36 | 100 |
| 75-99 | | | 1 | 25.00 | | | | | 4 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 271 | 55.19 | 43 | 8.76 | 59 | 12.02 | 491 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 76 | 26.21 | 56 | 19.31 | 80 | 27.59 | 290 | 100 |
| 25-49 | | | 47 | 30.13 | 3 | 1.92 | 18 | 11.54 | 156 | 100 |
| 50-74 | | | 13 | 36.11 | | | 1 | 2.78 | 36 | 100 |
| 75-99 | | | | | | | | | 4 | 100 |
| ≥100 | | | 2 | 40.00 | | | | | 5 | 100 |
| All ≥5 | 1 | 0.20 | 138 | 28.11 | 59 | 12.02 | 99 | 20.16 | 491 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 269 | 92.76 | 98 | 33.79 | 135 | 46.56 | 290 | 100 |
| 25-49 | | | 112 | 71.80 | 4 | 2.56 | 22 | 14.10 | 156 | 100 |
| 50-74 | | | 25 | 69.44 | | | 1 | 2.78 | 36 | 100 |
| 75-99 | | | 1 | 25 | | | | | 4 | 100 |
| ≥100 | | | 2 | 40 | | | | | 5 | 100 |
| All ≥5 | 1 | 0.20 | 409 | 83.30 | 102 | 20.78 | 158 | 32.18 | 491 | 100 |

## Appendix 5
**Figure 7**
**The University of Texas at Austin**
**School of Fine Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 215 | 73.88 | 104 | 35.74 | 54 | 18.56 | 291 | 100 |
| 25-49 | | | 4 | 17.39 | 3 | 13.04 | | | 23 | 100 |
| 50-74 | | | 5 | 62.50 | | | | | 8 | 100 |
| 75-99 | | | 3 | 37.50 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 227 | 67.76 | 107 | 31.94 | 54 | 16.12 | 335 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 60 | 20.62 | 84 | 28.87 | 73 | 25.09 | 291 | 100 |
| 25-49 | | | 6 | 26.09 | 2 | 8.70 | 1 | 4.35 | 23 | 100 |
| 50-74 | | | 2 | 25.00 | | | | | 8 | 100 |
| 75-99 | | | 1 | 12.50 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 1 | 0.30 | 69 | 20.60 | 86 | 25.67 | 74 | 22.09 | 335 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.34 | 275 | 94.50 | 188 | 64.61 | 127 | 43.65 | 291 | 100 |
| 25-49 | | | 10 | 43.48 | 5 | 21.74 | 1 | 4.35 | 23 | 100 |
| 50-74 | | | 7 | 87.50 | | | | | 8 | 100 |
| 75-99 | | | 4 | 50.00 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 1 | 0.30 | 296 | 88.36 | 193 | 57.61 | 128 | 38.21 | 335 | 100 |

## Appendix 5
**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 10 | 0.73 | 857 | 62.51 | 369 | 26.91 | 263 | 19.18 | 1371 | 100 |
| 25-49 | | | 147 | 41.18 | 39 | 10.92 | 9 | 2.52 | 357 | 100 |
| 50-74 | | | 9 | 25.71 | 5 | 14.29 | 1 | 2.86 | 35 | 100 |
| 75-99 | | | 4 | 10.53 | 1 | 2.63 | | | 38 | 100 |
| ≥100 | | | 5 | 7.69 | | | | | 65 | 100 |
| All ≥5 | 10 | 0.54 | 1022 | 54.77 | 414 | 22.19 | 273 | 14.63 | 1866 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 23 | 1.68 | 361 | 26.33 | 343 | 25.02 | 335 | 24.43 | 1371 | 100 |
| 25-49 | 2 | 0.56 | 112 | 31.37 | 64 | 17.93 | 37 | 10.36 | 357 | 100 |
| 50-74 | | | 15 | 42.86 | 1 | 2.86 | 1 | 2.86 | 35 | 100 |
| 75-99 | | | 8 | 21.05 | | | | | 38 | 100 |
| ≥100 | | | 2 | 3.08 | | | | | 65 | 100 |
| All ≥5 | 25 | 1.34 | 498 | 26.68 | 408 | 21.86 | 373 | 19.99 | 1866 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 33 | 2.41 | 1218 | 88.84 | 712 | 51.93 | 598 | 43.61 | 1371 | 100 |
| 25-49 | 2 | 0.56 | 259 | 72.55 | 103 | 28.85 | 46 | 12.88 | 357 | 100 |
| 50-74 | | | 24 | 68.57 | 6 | 17.15 | 2 | 5.72 | 35 | 100 |
| 75-99 | | | 12 | 31.58 | 1 | 2.63 | | | 38 | 100 |
| ≥100 | | | 7 | 10.77 | | | | | 65 | 100 |
| All ≥5 | 35 | 1.88 | 1520 | 81.46 | 822 | 44.05 | 646 | 34.62 | 1866 | 100 |

## Appendix 5

**Figure 9**
**The University of Texas at Austin**
**College of Natural Sciences**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.13 | 479 | 62.53 | 136 | 17.75 | 108 | 14.10 | 766 | 100 |
| 25-49 | | | 154 | 34.07 | 5 | 1.11 | 12 | 2.65 | 452 | 100 |
| 50-74 | | | 7 | 12.96 | | | | | 54 | 100 |
| 75-99 | | | 4 | 16.00 | | | | | 25 | 100 |
| ≥100 | | | 1 | 1.56 | | | | | 64 | 100 |
| All ≥5 | 1 | 0.07 | 645 | 47.39 | 141 | 10.36 | 120 | 8.82 | 1361 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 6 | 0.78 | 192 | 25.07 | 146 | 19.06 | 221 | 28.85 | 766 | 100 |
| 25-49 | | | 158 | 34.96 | 23 | 5.09 | 37 | 8.19 | 452 | 100 |
| 50-74 | | | 21 | 38.89 | | | 1 | 1.85 | 54 | 100 |
| 75-99 | | | 6 | 24.00 | | | | | 25 | 100 |
| ≥100 | | | 5 | 7.81 | | | | | 64 | 100 |
| All ≥5 | 6 | 0.44 | 382 | 28.07 | 169 | 12.42 | 259 | 19.03 | 1361 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 7 | 0.91 | 671 | 87.60 | 282 | 36.81 | 329 | 42.95 | 766 | 100 |
| 25-49 | | | 312 | 69.03 | 28 | 6.20 | 49 | 10.84 | 452 | 100 |
| 50-74 | | | 28 | 51.85 | | | 1 | 1.85 | 54 | 100 |
| 75-99 | | | 10 | 40.00 | | | | | 25 | 100 |
| ≥100 | | | 6 | 9.37 | | | | | 64 | 100 |
| All ≥5 | 7 | 0.51 | 1027 | 75.46 | 310 | 22.78 | 379 | 27.85 | 1361 | 100 |

## Appendix 5
**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 44 | 77.19 | 22 | 38.60 | 18 | 31.58 | 57 | 100 |
| 25-49 | | | 3 | 21.43 | 1 | 7.14 | | | 14 | 100 |
| 50-74 | | | | | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 47 | 61.04 | 24 | 31.17 | 18 | 23.38 | 77 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 12 | 21.05 | 25 | 43.86 | 20 | 35.09 | 57 | 100 |
| 25-49 | | | 9 | 64.29 | | | 1 | 7.14 | 14 | 100 |
| 50-74 | | | 3 | 50.00 | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 24 | 31.17 | 25 | 32.47 | 21 | 27.27 | 77 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 56 | 98.24 | 47 | 82.46 | 38 | 66.67 | 57 | 100 |
| 25-49 | | | 12 | 85.72 | 1 | 7.14 | 1 | 7.14 | 14 | 100 |
| 50-74 | | | 3 | 50.00 | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 71 | 92.21 | 49 | 63.64 | 39 | 50.65 | 77 | 100 |

## Appendix 5

**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 2000**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 14 | 77.78 | 14 | 77.78 | 1 | 5.56 | 18 | 100 |
| 25-49 | | | 2 | 28.57 | 2 | 28.57 | | | 7 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 16 | 61.54 | 16 | 61.54 | 1 | 3.85 | 26 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 3 | 16.67 | 2 | 11.11 | 2 | 11.11 | 18 | 100 |
| 25-49 | | | 1 | 14.29 | 1 | 14.29 | | | 7 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 4 | 15.38 | 3 | 11.54 | 2 | 7.69 | 26 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 17 | 94.45 | 16 | 88.89 | 3 | 16.67 | 18 | 100 |
| 25-49 | | | 3 | 42.86 | 3 | 42.86 | | | 7 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 20 | 76.92 | 19 | 73.08 | 3 | 11.54 | 26 | 100 |

## Appendix 6
### Figure 1
### The University of Texas at Austin
### Undergraduate Classroom Diversity Levels
### Fall 2001

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 17 | 0.49 | 2226 | 63.86 | 833 | 23.90 | 627 | 17.99 | 3486 | 100 |
| 25-49 | 2 | 0.14 | 527 | 37.51 | 60 | 4.27 | 50 | 3.56 | 1405 | 100 |
| 50-74 | | | 31 | 14.83 | 1 | 0.48 | 4 | 1.91 | 209 | 100 |
| 75-99 | | | 20 | 17.39 | | | 1 | 0.87 | 115 | 100 |
| ≥100 | | | 4 | 2.00 | 1 | 0.50 | | | 200 | 100 |
| All ≥5 | 19 | 0.35 | 2808 | 51.88 | 895 | 16.53 | 682 | 12.59 | 5415 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 41 | 1.18 | 879 | 25.22 | 807 | 23.15 | 882 | 25.30 | 3486 | 100 |
| 25-49 | | | 470 | 33.45 | 109 | 7.76 | 114 | 8.11 | 1405 | 100 |
| 50-74 | | | 61 | 29.19 | 5 | 2.39 | 6 | 2.87 | 209 | 100 |
| 75-99 | | | 24 | 20.87 | 5 | 4.35 | | | 115 | 100 |
| ≥100 | | | 9 | 4.50 | | | | | 200 | 100 |
| All ≥5 | 41 | 0.76 | 1443 | 26.65 | 926 | 17.10 | 1002 | 18.50 | 5415 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 58 | 1.67 | 3105 | 89.08 | 1640 | 47.05 | 1509 | 43.29 | 3486 | 100 |
| 25-49 | 2 | 0.14 | 997 | 70.96 | 169 | 12.03 | 164 | 11.67 | 1405 | 100 |
| 50-74 | | | 92 | 44.02 | 6 | 2.87 | 10 | 4.78 | 209 | 100 |
| 75-99 | | | 44 | 38.26 | 5 | 4.35 | 1 | 0.87 | 115 | 100 |
| ≥100 | | | 13 | 6.50 | 1 | 0.50 | | | 200 | 100 |
| All ≥5 | 60 | 1.11 | 4251 | 78.51 | 1821 | 33.63 | 1684 | 31.09 | 5415 | 100 |

## Appendix 6
**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 44 | 77.19 | 8 | 14.04 | 18 | 31.58 | 57 | 100 |
| 25-49 | | | 4 | 66.67 | 1 | 16.67 | | | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 48 | 76.19 | 9 | 14.29 | 18 | 28.57 | 63 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 9 | 15.79 | 20 | 35.09 | 15 | 26.32 | 57 | 100 |
| 25-49 | | | 1 | 16.67 | | | 1 | 16.67 | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 10 | 15.87 | 20 | 31.75 | 16 | 25.40 | 63 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 53 | 92.98 | 28 | 49.13 | 33 | 57.90 | 57 | 100 |
| 25-49 | | | 5 | 83.34 | 1 | 16.67 | 1 | 16.67 | 6 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 58 | 92.06 | 29 | 46.04 | 34 | 53.97 | 63 | 100 |

## Appendix 6
**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 26 | 54.17 | 3 | 6.25 | 8 | 16.67 | 48 | 100 |
| 25-49 | | | 54 | 45.00 | | | 8 | 6.67 | 120 | 100 |
| 50-74 | | | 3 | 10.71 | | | | | 28 | 100 |
| 75-99 | | | 7 | 28.00 | | | | | 25 | 100 |
| ≥100 | | | 1 | 2.94 | | | | | 34 | 100 |
| All ≥5 | | | 91 | 35.69 | 3 | 1.18 | 16 | 6.27 | 255 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.08 | 14 | 29.17 | 5 | 10.42 | 19 | 39.58 | 48 | 100 |
| 25-49 | | | 43 | 35.83 | | | 22 | 18.33 | 120 | 100 |
| 50-74 | | | 8 | 28.57 | | | 2 | 7.14 | 28 | 100 |
| 75-99 | | | 2 | 8.00 | | | | | 25 | 100 |
| ≥100 | | | 1 | 2.94 | | | | | 34 | 100 |
| All ≥5 | 1 | 0.39 | 68 | 26.67 | 5 | 1.96 | 43 | 16.86 | 255 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 2.08 | 40 | 83.34 | 8 | 16.67 | 27 | 56.25 | 48 | 100 |
| 25-49 | | | 97 | 80.83 | | | 30 | 25.00 | 120 | 100 |
| 50-74 | | | 11 | 39.28 | | | 2 | 7.14 | 28 | 100 |
| 75-99 | | | 9 | 36.00 | | | | | 25 | 100 |
| ≥100 | | | 2 | 5.88 | | | | | 34 | 100 |
| All ≥5 | 1 | 0.39 | 159 | 62.36 | 8 | 3.14 | 59 | 23.13 | 255 | 100 |

## Appendix 6
**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 120 | 62.18 | 73 | 37.82 | 19 | 9.84 | 193 | 100 |
| 25-49 | | | 49 | 42.24 | 8 | 6.90 | 5 | 4.31 | 116 | 100 |
| 50-74 | | | | | | | | | 8 | 100 |
| 75-99 | | | | | | | | | 3 | 100 |
| ≥100 | | | | | | | | | 7 | 100 |
| All ≥5 | | | 169 | 51.68 | 81 | 24.77 | 24 | 7.34 | 327 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 59 | 30.57 | 58 | 30.05 | 41 | 21.24 | 193 | 100 |
| 25-49 | | | 37 | 31.90 | 21 | 18.10 | 8 | 6.90 | 116 | 100 |
| 50-74 | | | | | | | | | 8 | 100 |
| 75-99 | | | | | 1 | 33.33 | | | 3 | 100 |
| ≥100 | | | | | | | | | 7 | 100 |
| All ≥5 | | | 96 | 29.36 | 80 | 24.46 | 49 | 14.98 | 327 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 179 | 92.75 | 131 | 67.87 | 60 | 31.08 | 193 | 100 |
| 25-49 | | | 86 | 74.14 | 29 | 25.00 | 13 | 11.21 | 116 | 100 |
| 50-74 | | | | | | | | | 8 | 100 |
| 75-99 | | | | | 1 | 33.33 | | | 3 | 100 |
| ≥100 | | | | | | | | | 7 | 100 |
| All ≥5 | | | 265 | 81.04 | 161 | 49.23 | 73 | 22.32 | 327 | 100 |

## Appendix 6
**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.73 | 108 | 58.56 | 50 | 27.62 | 20 | 11.05 | 181 | 100 |
| 25-49 | | | 42 | 30.66 | 23 | 16.79 | 1 | 0.73 | 137 | 100 |
| 50-74 | | | | | | | | | 11 | 100 |
| 75-99 | | | | | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 12 | 100 |
| All ≥5 | 1 | 0.29 | 148 | 42.65 | 73 | 21.04 | 21 | 6.05 | 347 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 47 | 25.97 | 34 | 18.78 | 35 | 19.34 | 181 | 100 |
| 25-49 | | | 43 | 31.39 | 10 | 7.30 | 5 | 3.65 | 137 | 100 |
| 50-74 | | | 2 | 18.18 | | | | | 11 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 12 | 100 |
| All ≥5 | | | 93 | 26.80 | 44 | 12.68 | 40 | 11.53 | 347 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.73 | 153 | 84.53 | 84 | 46.40 | 55 | 30.39 | 181 | 100 |
| 25-49 | | | 85 | 62.05 | 33 | 24.09 | 6 | 4.38 | 137 | 100 |
| 50-74 | | | 2 | 18.18 | | | | | 11 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 12 | 100 |
| All ≥5 | 1 | 0.29 | 241 | 69.45 | 117 | 33.72 | 61 | 17.58 | 347 | 100 |

## Appendix 6
**Figure 6**
**The University of Texas at Austin**
**College of Engineering**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 204 | 68.92 | 30 | 10.14 | 48 | 16.22 | 296 | 100 |
| 25-49 | | | 77 | 46.95 | | | 6 | 3.66 | 164 | 100 |
| 50-74 | | | 9 | 30.00 | | | 2 | 6.67 | 30 | 100 |
| 75-99 | | | 3 | 25.00 | | | | | 12 | 100 |
| ≥100 | | | 1 | 20.00 | | | | | 5 | 100 |
| All ≥5 | | | 294 | 57.99 | 30 | 5.92 | 56 | 11.05 | 507 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 1.01 | 74 | 25.00 | 60 | 20.27 | 79 | 26.69 | 296 | 100 |
| 25-49 | | | 45 | 27.44 | 6 | 3.66 | 22 | 13.41 | 164 | 100 |
| 50-74 | | | 7 | 23.33 | | | 2 | 6.67 | 30 | 100 |
| 75-99 | | | 3 | 25.00 | | | | | 12 | 100 |
| ≥100 | | | 1 | 20.00 | | | | | 5 | 100 |
| All ≥5 | 3 | 0.59 | 130 | 25.64 | 66 | 13.02 | 103 | 20.32 | 507 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 1.01 | 278 | 93.92 | 90 | 30.41 | 127 | 42.91 | 296 | 100 |
| 25-49 | | | 122 | 74.39 | 6 | 3.66 | 28 | 17.07 | 164 | 100 |
| 50-74 | | | 16 | 53.33 | | | 4 | 13.34 | 30 | 100 |
| 75-99 | | | 6 | 50.00 | | | | | 12 | 100 |
| ≥100 | | | 2 | 40.00 | | | | | 5 | 100 |
| All ≥5 | 3 | 0.59 | 424 | 83.63 | 96 | 18.94 | 159 | 31.37 | 507 | 100 |

# Appendix 6

**Figure 7**
**The University of Texas at Austin**
**School of Fine Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 215 | 76.24 | 103 | 36.52 | 51 | 18.09 | 282 | 100 |
| 25-49 | | | 10 | 41.67 | 1 | 4.17 | | | 24 | 100 |
| 50-74 | | | | | 1 | 11.11 | | | 9 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | 1 | 14.29 | | | 7 | 100 |
| All ≥5 | | | 226 | 68.90 | 106 | 32.32 | 51 | 15.55 | 328 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.35 | 48 | 17.02 | 69 | 24.47 | 83 | 29.43 | 282 | 100 |
| 25-49 | | | 5 | 20.83 | 5 | 20.83 | | | 24 | 100 |
| 50-74 | | | 6 | 66.67 | | | | | 9 | 100 |
| 75-99 | | | 1 | 16.67 | | | | | 6 | 100 |
| ≥100 | | | | | | | | | 7 | 100 |
| All ≥5 | 1 | 0.30 | 60 | 18.29 | 74 | 22.56 | 83 | 25.30 | 328 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.35 | 263 | 93.26 | 172 | 60.99 | 134 | 47.52 | 282 | 100 |
| 25-49 | | | 15 | 62.50 | 6 | 25.00 | | | 24 | 100 |
| 50-74 | | | 6 | 66.67 | 1 | 11.11 | | | 9 | 100 |
| 75-99 | | | 2 | 33.34 | | | | | 6 | 100 |
| ≥100 | | | | | 1 | 14.29 | | | 7 | 100 |
| All ≥5 | 1 | 0.30 | 286 | 87.19 | 180 | 54.88 | 134 | 40.85 | 328 | 100 |

## Appendix 6
**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

| No Students | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 14 | 0.97 | 890 | 61.93 | 391 | 27.21 | 289 | 20.11 | 1437 | 100 |
| 25-49 | | | 122 | 36.75 | 23 | 6.93 | 18 | 5.42 | 332 | 100 |
| 50-74 | | | 9 | 20.45 | | | | | 44 | 100 |
| 75-99 | | | 8 | 19.51 | | | 1 | 2.44 | 41 | 100 |
| ≥100 | | | 2 | 3.17 | | | | | 63 | 100 |
| All ≥5 | 14 | 0.73 | 1031 | 53.78 | 414 | 21.60 | 308 | 16.07 | 1917 | 100 |
| **Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 24 | 1.67 | 367 | 25.54 | 337 | 23.45 | 352 | 24.50 | 1437 | 100 |
| 25-49 | | | 112 | 33.73 | 46 | 13.86 | 26 | 7.83 | 332 | 100 |
| 50-74 | | | 10 | 22.73 | 4 | 9.09 | | | 44 | 100 |
| 75-99 | | | 9 | 21.95 | 4 | 9.76 | | | 41 | 100 |
| ≥100 | | | 3 | 4.76 | | | | | 63 | 100 |
| All ≥5 | 24 | 1.25 | 501 | 26.13 | 391 | 20.40 | 378 | 19.72 | 1917 | 100 |
| **None or Only One Student** | | | | | | | | | | |
| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 38 | 2.64 | 1257 | 87.47 | 728 | 50.66 | 641 | 44.61 | 1437 | 100 |
| 25-49 | | | 244 | 70.48 | 69 | 20.79 | 44 | 13.25 | 332 | 100 |
| 50-74 | | | 19 | 43.18 | 4 | 9.09 | | | 44 | 100 |
| 75-99 | | | 17 | 41.46 | 4 | 9.76 | 1 | 2.44 | 41 | 100 |
| ≥100 | | | 5 | 7.93 | | | | | 63 | 100 |
| All ≥5 | 38 | 1.98 | 1532 | 79.91 | 805 | 42.00 | 686 | 35.79 | 1917 | 100 |

## Appendix 6
### Figure 9
### The University of Texas at Austin
### College of Natural Sciences
### Undergraduate Classroom Diversity Levels
### Fall 2001

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 0.38 | 480 | 60.45 | 119 | 14.99 | 141 | 17.76 | 794 | 100 |
| 25-49 | 1 | 0.21 | 163 | 33.75 | 4 | 0.83 | 12 | 2.48 | 483 | 100 |
| 50-74 | | | 10 | 14.29 | | | 2 | 2.86 | 70 | 100 |
| 75-99 | | | 1 | 4.76 | | | | | 21 | 100 |
| ≥100 | | | | | | | | | 64 | 100 |
| All ≥5 | 4 | 0.28 | 654 | 45.67 | 123 | 8.59 | 155 | 10.82 | 1432 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 12 | 1.51 | 219 | 27.58 | 157 | 19.77 | 211 | 26.57 | 794 | 100 |
| 25-49 | | | 175 | 36.23 | 17 | 3.52 | 28 | 5.80 | 483 | 100 |
| 50-74 | | | 26 | 37.14 | | | 2 | 2.86 | 70 | 100 |
| 75-99 | | | 8 | 38.10 | | | | | 21 | 100 |
| ≥100 | | | 4 | 6.25 | | | | | 64 | 100 |
| All ≥5 | 12 | 0.84 | 432 | 30.17 | 174 | 12.15 | 241 | 16.83 | 1432 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 15 | 1.89 | 699 | 88.03 | 276 | 34.76 | 352 | 44.33 | 794 | 100 |
| 25-49 | 1 | 0.21 | 338 | 69.98 | 21 | 4.35 | 40 | 8.28 | 483 | 100 |
| 50-74 | | | 36 | 51.43 | | | 4 | 5.72 | 70 | 100 |
| 75-99 | | | 9 | 42.86 | | | | | 21 | 100 |
| ≥100 | | | 4 | 6.25 | | | | | 64 | 100 |
| All ≥5 | 16 | 1.12 | 1086 | 75.84 | 297 | 20.74 | 396 | 27.65 | 1432 | 100 |

## Appendix 6
**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 53 | 75.71 | 35 | 50.00 | 15 | 21.43 | 70 | 100 |
| 25-49 | | | 2 | 18.18 | | | | | 11 | 100 |
| 50-74 | | | | | | | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 55 | 63.95 | 35 | 40.70 | 15 | 17.44 | 86 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 15 | 21.43 | 29 | 41.43 | 19 | 27.14 | 70 | 100 |
| 25-49 | | | 5 | 45.45 | 2 | 18.18 | 2 | 18.18 | 11 | 100 |
| 50-74 | | | 1 | 20.00 | 1 | 20.00 | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 21 | 24.42 | 32 | 37.21 | 21 | 24.42 | 86 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 68 | 97.14 | 64 | 91.43 | 34 | 48.57 | 70 | 100 |
| 25-49 | | | 7 | 63.63 | 2 | 18.18 | 2 | 18.18 | 11 | 100 |
| 50-74 | | | 1 | 20.00 | 1 | 20.00 | | | 5 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 76 | 88.37 | 67 | 77.91 | 36 | 41.86 | 86 | 100 |

## Appendix 6
**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 2001**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 8 | 38.10 | 13 | 61.90 | 1 | 4.76 | 21 | 100 |
| 25-49 | | | 1 | 20.00 | | | | | 5 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 9 | 33.33 | 13 | 48.15 | 1 | 3.70 | 27 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 8 | 38.10 | 5 | 23.81 | 3 | 14.29 | 21 | 100 |
| 25-49 | | | 2 | 40.00 | 2 | 40.00 | | | 5 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 10 | 37.04 | 7 | 25.93 | 3 | 11.11 | 27 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 16 | 76.20 | 18 | 85.71 | 4 | 19.05 | 21 | 100 |
| 25-49 | | | 3 | 60.00 | 2 | 40.00 | | | 5 | 100 |
| 50-74 | | | | | | | | | 1 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 19 | 70.37 | 20 | 74.08 | 4 | 14.81 | 27 | 100 |

## Appendix 7
### Figure 1
### The University of Texas at Austin
### Undergraduate Classroom Diversity Levels
### Fall 2002

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 19 | 0.53 | 2342 | 64.77 | 821 | 22.70 | 640 | 17.70 | 3616 | 100 |
| 25-49 | 2 | 0.14 | 554 | 37.89 | 61 | 4.17 | 38 | 2.60 | 1462 | 100 |
| 50-74 | | | 32 | 15.02 | 2 | 0.94 | 1 | 0.47 | 213 | 100 |
| 75-99 | | | 17 | 14.05 | | | 1 | 0.83 | 121 | 100 |
| ≥100 | | | 3 | 1.37 | | | | | 219 | 100 |
| All ≥5 | 21 | 0.37 | 2948 | 52.35 | 884 | 15.70 | 680 | 12.08 | 5631 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 42 | 1.16 | 905 | 25.03 | 848 | 23.45 | 910 | 25.17 | 3616 | 100 |
| 25-49 | 4 | 0.27 | 483 | 33.04 | 140 | 9.58 | 115 | 7.87 | 1462 | 100 |
| 50-74 | | | 66 | 30.99 | 9 | 4.23 | 7 | 3.29 | 213 | 100 |
| 75-99 | | | 35 | 28.93 | | | 1 | 0.83 | 121 | 100 |
| ≥100 | | | 16 | 7.31 | 2 | 0.91 | | | 219 | 100 |
| All ≥5 | 46 | 0.82 | 1505 | 26.73 | 999 | 17.74 | 1033 | 18.34 | 5631 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 61 | 1.69 | 3247 | 89.80 | 1669 | 46.15 | 1550 | 42.87 | 3616 | 100 |
| 25-49 | 6 | 0.41 | 1037 | 70.93 | 201 | 13.75 | 153 | 10.47 | 1462 | 100 |
| 50-74 | | | 98 | 46.01 | 11 | 5.17 | 8 | 3.76 | 213 | 100 |
| 75-99 | | | 52 | 42.98 | | | 2 | 1.66 | 121 | 100 |
| ≥100 | | | 19 | 8.68 | 2 | 0.91 | | | 219 | 100 |
| All ≥5 | 67 | 1.19 | 4453 | 79.08 | 1883 | 33.44 | 1713 | 30.42 | 5631 | 100 |

## Appendix 7
**Figure 2**
**The University of Texas at Austin**
**School of Architecture**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 47 | 78.33 | 12 | 20.00 | 17 | 28.33 | 60 | 100 |
| 25-49 | | | 7 | 43.75 | | | | | 16 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 54 | 71.05 | 12 | 15.79 | 17 | 22.37 | 76 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 11 | 18.33 | 18 | 30.00 | 14 | 23.33 | 60 | 100 |
| 25-49 | | | 5 | 31.25 | | | | | 16 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 16 | 21.05 | 18 | 23.68 | 14 | 18.42 | 76 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 58 | 96.66 | 30 | 50.00 | 31 | 51.66 | 60 | 100 |
| 25-49 | | | 12 | 75.00 | | | | | 16 | 100 |
| 50-74 | | | | | | | | | | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 70 | 92.10 | 30 | 39.47 | 31 | 40.79 | 76 | 100 |

## Appendix 7
**Figure 3**
**The University of Texas at Austin**
**McCombs School of Business**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 35 | 60.34 | 1 | 1.72 | 15 | 25.86 | 58 | 100 |
| 25-49 | | | 38 | 42.22 | | | 9 | 10.00 | 90 | 100 |
| 50-74 | | | 1 | 3.85 | | | | | 26 | 100 |
| 75-99 | | | 1 | 4.35 | | | | | 23 | 100 |
| ≥100 | | | | | | | | | 41 | 100 |
| All ≥5 | | | 75 | 31.51 | 1 | 0.42 | 24 | 10.08 | 238 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 13 | 22.41 | 4 | 6.90 | 9 | 15.52 | 58 | 100 |
| 25-49 | | | 22 | 24.44 | 2 | 2.22 | 13 | 14.44 | 90 | 100 |
| 50-74 | | | 9 | 34.62 | | | | | 26 | 100 |
| 75-99 | | | 8 | 34.78 | | | | | 23 | 100 |
| ≥100 | | | 2 | 4.88 | | | | | 41 | 100 |
| All ≥5 | | | 54 | 22.69 | 6 | 2.52 | 22 | 9.24 | 238 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 48 | 82.75 | 5 | 8.62 | 24 | 41.38 | 58 | 100 |
| 25-49 | | | 60 | 66.66 | 2 | 2.22 | 22 | 24.44 | 90 | 100 |
| 50-74 | | | 10 | 38.47 | | | | | 26 | 100 |
| 75-99 | | | 9 | 39.13 | | | | | 23 | 100 |
| ≥100 | | | 2 | 4.88 | | | | | 41 | 100 |
| All ≥5 | | | 129 | 54.20 | 7 | 2.94 | 46 | 19.32 | 238 | 100 |

## Appendix 7
**Figure 4**
**The University of Texas at Austin**
**College of Communication**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 131 | 68.59 | 55 | 28.80 | 27 | 14.14 | 191 | 100 |
| 25-49 | | | 36 | 36.36 | 6 | 6.06 | 3 | 3.03 | 99 | 100 |
| 50-74 | | | 1 | 20.00 | | | | | 5 | 100 |
| 75-99 | | | 2 | 25.00 | | | | | 8 | 100 |
| ≥100 | | | | | | | | | 11 | 100 |
| All ≥5 | | | 170 | 54.14 | 61 | 19.43 | 30 | 9.55 | 314 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 44 | 23.04 | 65 | 34.03 | 53 | 27.75 | 191 | 100 |
| 25-49 | | | 36 | 36.36 | 19 | 19.19 | 6 | 6.06 | 99 | 100 |
| 50-74 | | | 2 | 40.00 | | | | | 5 | 100 |
| 75-99 | | | 3 | 37.50 | | | | | 8 | 100 |
| ≥100 | | | 1 | 9.09 | | | | | 11 | 100 |
| All ≥5 | | | 88 | 27.39 | 84 | 26.75 | 59 | 18.79 | 314 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 175 | 91.63 | 120 | 62.83 | 80 | 41.89 | 191 | 100 |
| 25-49 | | | 72 | 72.72 | 25 | 25.25 | 9 | 9.09 | 99 | 100 |
| 50-74 | | | 3 | 60 | | | | | 5 | 100 |
| 75-99 | | | 5 | 62.50 | | | | | 8 | 100 |
| ≥100 | | | 1 | 9.09 | | | | | 11 | 100 |
| All ≥5 | | | 256 | 81.53 | 145 | 46.18 | 89 | 28.34 | 314 | 100 |

## Appendix 7

**Figure 5**
**The University of Texas at Austin**
**College of Education**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.59 | 110 | 65.09 | 43 | 25.44 | 9 | 5.33 | 169 | 100 |
| 25-49 | 2 | 1.43 | 36 | 25.71 | 11 | 7.86 | | | 140 | 100 |
| 50-74 | | | | | | | | | 13 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 12 | 100 |
| All ≥5 | 3 | 0.88 | 146 | 43.07 | 54 | 15.93 | 9 | 2.65 | 339 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 1 | 0.59 | 43 | 25.44 | 50 | 29.59 | 40 | 23.67 | 169 | 100 |
| 25-49 | | | 36 | 25.71 | 16 | 11.43 | 8 | 5.71 | 140 | 100 |
| 50-74 | | | 3 | 23.08 | | | | | 13 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | 1 | 8.33 | | | | | 12 | 100 |
| All ≥5 | 1 | 0.29 | 83 | 24.48 | 66 | 19.47 | 48 | 14.16 | 339 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 1.18 | 153 | 90.53 | 93 | 55.03 | 49 | 29.00 | 169 | 100 |
| 25-49 | 2 | 1.43 | 72 | 51.42 | 27 | 19.29 | 8 | 5.71 | 140 | 100 |
| 50-74 | | | 3 | 23.08 | | | | | 13 | 100 |
| 75-99 | | | | | | | | | 5 | 100 |
| ≥100 | | | 1 | 8.33 | | | | | 12 | 100 |
| All ≥5 | 4 | 1.17 | 229 | 67.55 | 120 | 35.40 | 57 | 16.81 | 339 | 100 |

# Appendix 7
## Figure 6
## The University of Texas at Austin
## College of Engineering
## Undergraduate Classroom Diversity Levels
## Fall 2002

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 191 | 67.73 | 27 | 9.57 | 52 | 18.44 | 282 | 100 |
| 25-49 | | | 74 | 43.53 | | | 3 | 1.76 | 170 | 100 |
| 50-74 | | | 7 | 18.42 | | | 1 | 2.63 | 38 | 100 |
| 75-99 | | | 1 | 6.67 | | | | | 15 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | | | 273 | 53.53 | 27 | 5.29 | 56 | 10.98 | 510 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 1.06 | 71 | 25.18 | 59 | 20.92 | 75 | 26.60 | 282 | 100 |
| 25-49 | | | 54 | 31.76 | 6 | 3.53 | 10 | 5.88 | 170 | 100 |
| 50-74 | | | 11 | 28.95 | | | 3 | 7.89 | 38 | 100 |
| 75-99 | | | 4 | 26.67 | | | 1 | 6.67 | 15 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 3 | 0.59 | 140 | 27.45 | 65 | 12.75 | 89 | 17.45 | 510 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 3 | 1.06 | 262 | 92.91 | 86 | 30.49 | 127 | 45.04 | 282 | 100 |
| 25-49 | | | 128 | 75.29 | 6 | 3.53 | 13 | 7.64 | 170 | 100 |
| 50-74 | | | 18 | 47.37 | | | 4 | 10.52 | 38 | 100 |
| 75-99 | | | 5 | 33.34 | | | 1 | 6.67 | 15 | 100 |
| ≥100 | | | | | | | | | 5 | 100 |
| All ≥5 | 3 | 0.59 | 413 | 80.98 | 92 | 18.04 | 145 | 28.43 | 510 | 100 |

## Appendix 7
### Figure 7
### The University of Texas at Austin
### School of Fine Arts
### Undergraduate Classroom Diversity Levels
### Fall 2002

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 204 | 71.58 | 94 | 32.98 | 45 | 15.79 | 285 | 100 |
| 25-49 | | | 7 | 33.33 | 4 | 19.05 | | | 21 | 100 |
| 50-74 | | | 4 | 40.00 | | | | | 10 | 100 |
| 75-99 | | | 1 | 20.00 | | | | | 5 | 100 |
| ≥100 | | | | | | | | | 6 | 100 |
| All ≥5 | | | 216 | 66.06 | 98 | 29.97 | 45 | 13.76 | 327 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 58 | 20.35 | 71 | 24.91 | 83 | 29.12 | 285 | 100 |
| 25-49 | | | 5 | 23.81 | 3 | 14.29 | 2 | 9.52 | 21 | 100 |
| 50-74 | | | 4 | 40.00 | | | | | 10 | 100 |
| 75-99 | | | 3 | 60.00 | | | | | 5 | 100 |
| ≥100 | | | 1 | 16.67 | | | | | 6 | 100 |
| All ≥5 | | | 71 | 21.71 | 74 | 22.63 | 85 | 25.99 | 327 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 262 | 91.93 | 165 | 57.89 | 128 | 44.91 | 285 | 100 |
| 25-49 | | | 12 | 57.14 | 7 | 33.34 | 2 | 9.52 | 21 | 100 |
| 50-74 | | | 8 | 80 | | | | | 10 | 100 |
| 75-99 | | | 4 | 80 | | | | | 5 | 100 |
| ≥100 | | | 1 | 16.67 | | | | | 6 | 100 |
| All ≥5 | | | 287 | 87.77 | 172 | 52.60 | 130 | 39.75 | 327 | 100 |

## Appendix 7
**Figure 8**
**The University of Texas at Austin**
**College of Liberal Arts**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 16 | 1.06 | 938 | 62.24 | 401 | 26.61 | 293 | 19.44 | 1507 | 100 |
| 25-49 | | | 140 | 40.82 | 33 | 9.62 | 10 | 2.92 | 343 | 100 |
| 50-74 | | | 9 | 15.79 | 2 | 3.51 | | | 57 | 100 |
| 75-99 | | | 10 | 20.41 | | | 1 | 2.04 | 49 | 100 |
| ≥100 | | | 1 | 1.56 | | | | | 64 | 100 |
| All ≥5 | 16 | 0.79 | 1098 | 54.36 | 436 | 21.58 | 304 | 15.05 | 2020 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 24 | 1.59 | 401 | 26.61 | 357 | 23.69 | 369 | 24.49 | 1507 | 100 |
| 25-49 | 2 | 0.58 | 119 | 34.69 | 64 | 18.66 | 33 | 9.62 | 343 | 100 |
| 50-74 | | | 17 | 29.82 | 7 | 12.28 | | | 57 | 100 |
| 75-99 | | | 13 | 26.53 | | | | | 49 | 100 |
| ≥100 | | | 6 | 9.38 | 1 | 1.56 | | | 64 | 100 |
| All ≥5 | 26 | 1.29 | 556 | 27.52 | 429 | 21.24 | 402 | 19.90 | 2020 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 40 | 2.65 | 1339 | 88.85 | 758 | 50.30 | 662 | 43.93 | 1507 | 100 |
| 25-49 | 2 | 0.58 | 259 | 75.51 | 97 | 28.28 | 43 | 12.54 | 343 | 100 |
| 50-74 | | | 26 | 45.61 | 9 | 15.79 | | | 57 | 100 |
| 75-99 | | | 23 | 46.94 | | | 1 | 2.04 | 49 | 100 |
| ≥100 | | | 7 | 10.94 | 1 | 1.56 | | | 64 | 100 |
| All ≥5 | 42 | 2.08 | 1654 | 81.88 | 865 | 42.82 | 706 | 34.95 | 2020 | 100 |

## Appendix 7
### Figure 9
### The University of Texas at Austin
### College of Natural Sciences
### Undergraduate Classroom Diversity Levels
### Fall 2002

Note: "N" refers to the number of classes.

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 2 | 0.23 | 549 | 63.91 | 110 | 12.81 | 147 | 17.11 | 859 | 100 |
| 25-49 | | | 211 | 37.81 | 5 | 0.90 | 12 | 2.15 | 558 | 100 |
| 50-74 | | | 10 | 18.87 | | | | | 53 | 100 |
| 75-99 | | | 2 | 12.50 | | | | | 16 | 100 |
| ≥100 | | | 2 | 2.82 | | | | | 71 | 100 |
| All ≥5 | 2 | 0.13 | 774 | 49.71 | 115 | 7.39 | 159 | 10.21 | 1557 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 13 | 1.51 | 213 | 24.80 | 174 | 20.26 | 208 | 24.21 | 859 | 100 |
| 25-49 | 2 | 0.36 | 196 | 35.13 | 24 | 4.30 | 43 | 7.71 | 558 | 100 |
| 50-74 | | | 19 | 35.85 | 1 | 1.89 | 4 | 7.55 | 53 | 100 |
| 75-99 | | | 4 | 25.00 | | | | | 16 | 100 |
| ≥100 | | | 5 | 7.04 | 1 | 1.41 | | | 71 | 100 |
| All ≥5 | 15 | 0.96 | 437 | 28.07 | 200 | 12.85 | 255 | 16.38 | 1557 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | 15 | 1.74 | 762 | 88.71 | 284 | 33.07 | 355 | 41.32 | 859 | 100 |
| 25-49 | 2 | 0.36 | 407 | 72.94 | 29 | 5.20 | 55 | 9.86 | 558 | 100 |
| 50-74 | | | 29 | 54.72 | 1 | 1.89 | 4 | 7.55 | 53 | 100 |
| 75-99 | | | 6 | 37.50 | | | | | 16 | 100 |
| ≥100 | | | 7 | 9.86 | 1 | 1.41 | | | 71 | 100 |
| All ≥5 | 17 | 1.09 | 1211 | 77.78 | 315 | 20.24 | 414 | 26.59 | 1557 | 100 |

## Appendix 7

**Figure 10**
**The University of Texas at Austin**
**School of Nursing**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 51 | 68.00 | 44 | 58.67 | 18 | 24.00 | 75 | 100 |
| 25-49 | | | 2 | 16.67 | 2 | 16.67 | 1 | 8.33 | 12 | 100 |
| 50-74 | | | | | | | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 53 | 56.99 | 46 | 49.46 | 19 | 20.43 | 93 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 21 | 28.00 | 24 | 32.00 | 26 | 34.67 | 75 | 100 |
| 25-49 | | | 5 | 41.67 | 5 | 41.67 | | | 12 | 100 |
| 50-74 | | | | | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 26 | 27.96 | 30 | 32.26 | 26 | 27.96 | 93 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 72 | 96.00 | 68 | 90.67 | 44 | 58.67 | 75 | 100 |
| 25-49 | | | 7 | 58.34 | 7 | 58.34 | 1 | 8.33 | 12 | 100 |
| 50-74 | | | | | 1 | 16.67 | | | 6 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 79 | 84.95 | 76 | 81.72 | 45 | 48.39 | 93 | 100 |

## Appendix 7

**Figure 11**
**The University of Texas at Austin**
**School of Social Work**
**Undergraduate Classroom Diversity Levels**
**Fall 2002**

Note: "N" refers to the number of classes

**No Students**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 7 | 29.17 | 14 | 58.33 | 1 | 4.17 | 24 | 100 |
| 25-49 | | | | | | | | | 4 | 100 |
| 50-74 | | | | | | | | | 2 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 7 | 23.33 | 14 | 46.67 | 1 | 3.33 | 30 | 100 |

**Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 6 | 25.00 | 8 | 33.33 | 5 | 20.83 | 24 | 100 |
| 25-49 | | | 2 | 50.00 | 1 | 25.00 | | | 4 | 100 |
| 50-74 | | | | | | | | | 2 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 8 | 26.67 | 9 | 30.00 | 5 | 16.67 | 30 | 100 |

**None or Only One Student**

| Class Size | White | | African American | | Asian American | | Hispanic | | All | |
|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % |
| 5-24 | | | 13 | 54.17 | 22 | 91.66 | 6 | 25.00 | 24 | 100 |
| 25-49 | | | 2 | 50.00 | 1 | 25.00 | | | 4 | 100 |
| 50-74 | | | | | | | | | 2 | 100 |
| 75-99 | | | | | | | | | | 100 |
| ≥100 | | | | | | | | | | 100 |
| All ≥5 | | | 15 | 50.00 | 23 | 76.67 | 6 | 20.00 | 30 | 100 |

THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF ADMISSIONS

***IMPLEMENTATION AND RESULTS OF THE TEXAS AUTOMATIC ADMISSIONS LAW (HB 588) at THE UNIVERSITY OF TEXAS AT AUSTIN***

**DEMOGRAPHIC ANALYSIS OF ENTERING FRESHMEN FALL 2008**

***ACADEMIC PERFORMANCE OF TOP 10% AND NON-TOP 10% STUDENTS***
**ACADEMIC YEARS 2003-2007**

Prepared by:

**The Office of Admissions**
**The University of Texas at Austin**
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**Introduction to Report 11**

This is the eleventh in a series of reports on the demographic makeup of Top 10% students entering The University of Texas at Austin. These reports were developed to provide easy access to understandable data for the press, the general public, policy analysts, political decision-makers, and fellow academicians.

The Texas Top 10% Law (HB 588) requires the automatic admission of any student graduating in the top 10% of an accredited Texas high school.

Because of space limitations this report differs from previous reports in that the data are largely limited to the past eleven years for demographics (the Entering Classes of 1998 through 2008) and the past five years for performance (the Entering Classes of 2003 through 2007). For performance and demographic data of the classes of 1996 through 2001 see "Volume 1" posted on the Admissions Research Website at:

http://www.utexas.edu/student/admissions/research/index.html

*This paper is designed to present simple, descriptive statistics relative to graduates of Texas high schools matriculating as entering freshmen from 1998-2008. This is not a position paper. It is not an evaluation of past or present affirmative action policies. It is not a proposed blueprint for other universities or public institutions seeking diversity. It is not representative of the higher education experience in all of Texas. It is merely a presentation of demographic and performance information over the past decade.*

Performance and test data in individual cells in the tables with an n-count of <5 have been withheld in order to protect the confidentiality of the students.

**An Overview of Freshman Admissions at the University of Texas**

The admissions process of any university is an exercise in both selecting qualified students with a high probability of success, and crafting an entering class that also meets the university's mission. In 1996, UT Austin carefully reviewed its admissions process. At the time, merit, when applied to an admission decision, consisted of high standardized test scores and high class rank. In 1997, the Texas State Legislature exerted its own definition of merit through the "Texas Top 10% Automatic Admissions Law."[1] Today, any student graduating in the top 10% of his/her Texas high school class is automatically admissible to any public college or university in the state—including The University of Texas at Austin. In order to enjoy the entitlement, however, applicants must meet certain conditions defined by the Texas Higher Education Coordinating Board.[2]

The UT Austin admissions routine for students *not* automatically admitted is elaborate and entails a broad concept of merit. Beginning with the entering class of 1997, for those not automatically admitted, the idea of merit was expanded from class rank and test scores exclusively to the inclusion of the following factors:

**The Academic Index (AI)**
High School Record:

- Class rank[3]
- Completion of UT required high school curriculum[4]
- Extent to which students exceed the UT required units
- SAT/ACT score[5]

**The Personal Achievement Index (PAI)**

- Scores on two essays
- Leadership
- Extracurricular Activities
- Awards/honors
- Work experience
- Service to school or community
- Special circumstances:
  - Socio-economic status of family
  - Single parent home
  - Language spoken at home
  - Family responsibilities
  - Socio-economic status of school attended
  - Average SAT/ACT of school attended in relation to student's own SAT/ACT
  - Race (addition approved by the UT Board of Regents in 2003)

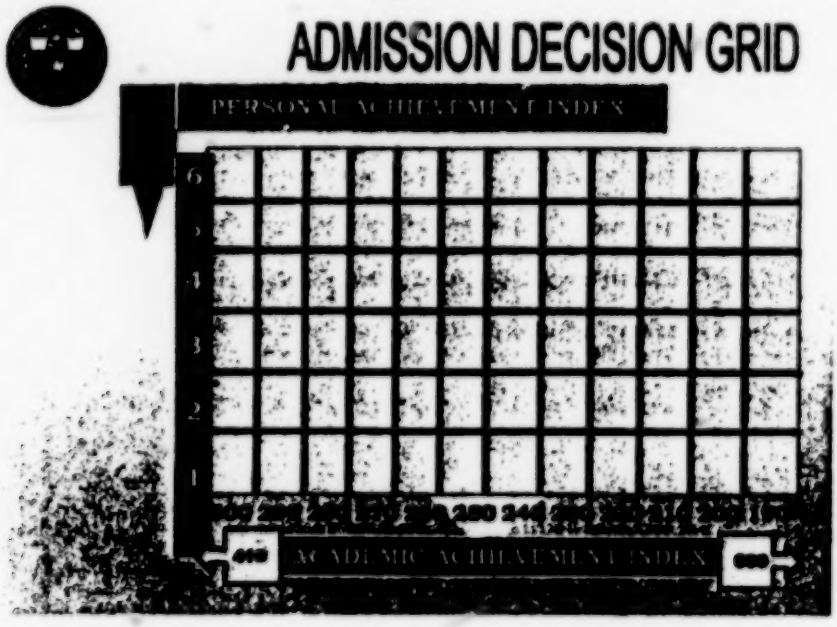
Thus, merit includes the ambition to tackle rigorous high school coursework, the production of quality prose, and the desire to make a difference in one's school, home, or community. Evidence of employability (work), and some sense of having excelled in any number of areas are also considered. Moreover, admissions officials place these attributes in the context of the circumstances under which the student lived.

The Academic Index (AI) is determined by a multiple regression equation utilizing a high school percentile derived from an explicit class rank [1-(class rank/class size)]*100, and verbal and math test scores from the ACT Assessment or the SAT I: Reasoning Test. The equation produces a predicted freshman year grade point average.[6] After a review of the high school transcript, an applicant can be "awarded" a tenth of a point if he/she exceeded UT's required high school curriculum. Thus, AI values range from 4.10-0.00.

The Personal Achievement Index (PAI) is UT Austin's holistic approach to admissions. Admissions officers are trained each year to conduct comprehensive reviews of every application from students not automatically admitted. All applicants are required to submit two essays. Each are read and scored on a scale of 1-6. The application itself, and any attachments an applicant chooses to include, is then reviewed. A "personal achievement" score on a scale of 1-6 is then assigned to the application. From the three scores, two essays and a personal achievement score, a PAI is computed. The equation reflects a 1997 faculty decision to give slightly more weight to the personal achievement score than the essays: PAI = [(personal achievement score * 4)+(mean essay * 3)] / 7

AIs and PAIs of applicants not automatically admitted are then plotted on an admissions decision grid. (See Figure 1 below.) The most-qualified candidates are located in the cells closest to the upper left corner. Admissions liaisons, and/or representatives of Deans' offices or faculty, then make decisions as to which cells to select as admitted students. Texas resident applicants are either admitted, "cascaded" to their second choice of major, offered Summer Freshman Admission, or offered the Coordinated Admission Program (CAP) at a UT System component school. Thus, Texas residents submitting a completed entering freshman application by published deadlines are not denied admission to UT Austin. Non-residents are either admitted or denied.

**Figure 1**



**Demographic Analysis—1998-2008**

Table 1 below illustrates the numbers of applicants, admits, and enrolled students from 1998 through 2008. Throughout this report, n-counts include first-time freshmen for the fall plus those entering during the preceding summer and continuing into the fall. Since the size of the entering classes ranges from 6430 to 7935 it is most appropriate to focus on percentages.

***Important note:* Table 1 and Table 2 are the only tables illustrating *all* first-time freshmen. *Tables 1a, 2a, 3 and those that follow illustrate the graduates of Texas high schools only*. Graduates of Texas high schools are isolated because HB 588 grants an automatic admission entitlement only to graduates of public and accredited non-public high schools in Texas. For this reason, the n-counts and other data reported here will not match official first-time freshman data reported by the Office of Information Management and Analysis in its Statistical Handbook.**

Notes to researchers:

Concise descriptions of UT Austin's admissions policies by year are as follows:

- 1997—Use of the "AI" (as described above), the "PAI" (as described above), with an institutional policy admitting the top 10%, and no affirmative action policy—the result of the *Hopwood* decision.
- 1998-2004—Use of the "AI", the "PAI", with HB 588 mandated automatic admission of the top 10%, and no affirmative action policy—the result of the *Hopwood* decision.
- 2005-2008—Use of the "AI", the "PAI", with HB 588 mandated automatic admission of the top 10%, and the utilization of affirmative action (as described above)—the result of the *Grutter* decision.

***Drops in SAT averages from 2005 to 2006 and 2007 were common throughout the US, especially for large institutions, and was due in part to changes made on the SAT 1: Reasoning Test. Students in the 2006 cohort were the first class to take the "New SAT," which was 40 minutes longer, included a 25-minute writing sample, and much more expensive (from $25 to $41). The College Board reports that nationwide and institution-level score declines are likely the result of dramatically reduced multiple test-taking by students. Multiple test-taking usually results in higher scores for an individual. The average ACT Composite score, a test that did not change or see any change in test-taking behaviors in its population, remained steady at 26.***[7]

Office of Admissions
The University of Texas at Austin
512-475-7337

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[1] The text of the Uniform Admissions Law (HB 588) is posted at: http://www.utexas.edu/student/admissions/research/HB588Law.html

[2] Those conditions are posted at: http://www.thecb.state.tx.us/rules/tac3.cfm?Chapter_ID=5&Subchapter=A#5.5

[3] Class rank is expressed as a high school percentile using the following formula: (1-(class rank/class size))*100. For students from non-ranking schools, a rank is estimated using the student's GPA and grade distributions provided by the schools.

[4] For non-top 10% students the required units are:

*Language Arts*
4 units of English, one of which may be writing, world literature, speech, or journalism. English as a second language (ESL) and correlated language arts do not count as units of English.

*Foreign Language*
2 units (3 recommended) of a single foreign language.

*Mathematics*
3 units (4 recommended) at the level of Algebra I or higher: algebra, plane geometry, trigonometry, analytic geometry, elementary analysis, probability & statistics, solid geometry, calculus with analytic geometry, or number theory. Fundamentals of mathematics, mathematics of money, and informal geometry do not count as units of mathematics.

*Science*
2 units (3 recommended) of laboratory science. Recommended courses include biology, chemistry, physical science, and physics.

*Social Studies*
3 units, which may include anthropology, area studies, ethnic studies, economics, geography, government (civics), philosophy, psychology, problems in social science, sociology, Texas history (advanced), U.S. history, or world history.

*Fine Arts*
One-half unit of art, dance, music, or theatre arts is strongly recommended.

The units listed above are the minimum requirements for admission consideration at UT-Austin. The pool of prospective freshmen is so competitive that students who take additional units, especially in math and science, will strengthen their chances for both admission and later success in a rigorous college curriculum.

Admission is granted to applicants who have not completed the required units listed above if they are Texas residents who have completed the "recommended curriculum" and who are otherwise qualified for admission on the basis of graduation in the top 10% of their high school class. Recipients of bona fide scholarships designated by the University president and students whose high school does not offer the courses necessary to complete the unit requirements may apply to the Director of Admissions for an exception. Students who are admitted by exception must remove deficiencies to graduate; courses taken to remove a deficiency do not count toward the student's degree.

[5] UT accepts either the SAT 1: Reasoning Test or the ACT Assessment. Students sending more than one set of scores are given the benefit of the best performance from a single test date.

[6] The equations are as follows:

For Liberal Arts, Communications, Fine Arts, Social Work, and Education:

Predicted Freshman GPA = -0.19949 + (SAT V * 0.00142) + (SAT M * 0.00191) + (HSR * 0.01459)

Predicted Freshman GPA = 0.09689 + (ACT E * 0.02513) + (ACT M * 0.04577) + (HSR * 0.01351)

For Nursing, Natural Sciences, and Architecture:

Predicted Freshman GPA = -1.10339 + (SAT V * 0.00088166) + (SAT M * 0.00230) + (HSR * 0.02416)

Predicted Freshman GPA = -0.51242 + (ACT E * 0.00824) + (ACT M * 0.05007) + (HSR * 0.02199)

For Engineering:

Predicted Freshman GPA = -1.53545 + (SAT V * 0.00072937) + (SAT M * 0.00313) + (HSR * 0.02285)

Predicted Freshman GPA = -1.78910 + (ACT E * 0.01074) + (ACT M * 0.07335) + (HSR * 0.02708)

For Business:

Predicted Freshman GPA = -2.31253 + (SAT V * 0.00157) + (SAT M * 0.00229) + (HSR * 0.03419)

Predicted Freshman GPA = -2.14521 + (ACT E * 0.02892) + (ACT M * 0.05405) + (HSR * 0.03409)

[7] See http://www.collegeboard.com/satscores/letter.html

Table 1
Applicants/Admits/First-Time Enrolled Freshmen
Summers and Falls Combined
1998-2008

THE UNIVERSITY OF TEXAS AT AUSTIN
TOP 10% REPORT 11

October 28, 2008

**All Freshman Applications**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 10138 | 60% | 94 | 1% | 660 | 4% | 3491 | 18% | 2336 | 14% | 958 | 6% | 118 | 1% | 16797 | 100% |
| 1999 | 11051 | 59% | 87 | 0% | 1030 | 6% | 2686 | 14% | 2831 | 15% | 1199 | 6% | 64 | 0% | 18638 | 100% |
| 2000 | 12737 | 59% | 107 | 0% | 1186 | 6% | 2839 | 14% | 3087 | 14% | 1404 | 7% | 79 | 0% | 21539 | 100% |
| 2001 | 11723 | 56% | 127 | 1% | 1063 | 5% | 3123 | 15% | 3184 | 15% | 1673 | 8% | 123 | 1% | 20966 | 100% |
| 2002 | 12803 | 57% | 110 | 0% | 1159 | 5% | 3259 | 15% | 3487 | 16% | 1447 | 7% | 114 | 1% | 22179 | 100% |
| 2003 | 13944 | 57% | 111 | 0% | 1361 | 6% | 3439 | 14% | 4101 | 17% | 1477 | 6% | 86 | 0% | 24519 | 100% |
| 2004 | 12417 | 54% | 127 | 1% | 1456 | 6% | 3282 | 14% | 4035 | 18% | 1571 | 7% | 140 | 1% | 23028 | 100% |
| 2005 | 12552 | 52% | 124 | 1% | 1552 | 6% | 3483 | 15% | 4457 | 19% | 1700 | 7% | 57 | 0% | 23825 | 100% |
| 2006 | 14301 | 52% | 178 | 1% | 1915 | 7% | 4006 | 15% | 5146 | 19% | 1741 | 6% | 27 | 0% | 27315 | 100% |
| 2007 | 13659 | 50% | 126 | 0% | 1962 | 7% | 4189 | 15% | 5336 | 20% | 1989 | 7% | 37 | 0% | 27237 | 100% |
| 2008 | 14038 | 48% | 140 | 0% | 2234 | 8% | 4344 | 15% | 6061 | 21% | 2820 | 9% | 44 | 0% | 29681 | 100% |

**All Freshman Admits**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 7659 | 64% | 59 | 0% | 401 | 3% | 1942 | 16% | 1620 | 14% | 252 | 2% | 42 | 0% | 11975 | 100% |
| 1999 | 7421 | 62% | 47 | 0% | 517 | 4% | 1970 | 16% | 1706 | 14% | 348 | 3% | 41 | 0% | 11949 | 100% |
| 2000 | 8162 | 62% | 59 | 0% | 582 | 4% | 2161 | 16% | 1823 | 14% | 471 | 4% | 28 | 0% | 13286 | 100% |
| 2001 | 7787 | 61% | 68 | 1% | 446 | 3% | 2188 | 17% | 1815 | 14% | 356 | 3% | 65 | 1% | 12723 | 100% |
| 2002 | 8256 | 61% | 61 | 0% | 494 | 4% | 2289 | 17% | 1946 | 14% | 379 | 3% | 41 | 0% | 13470 | 100% |
| 2003 | 6852 | 69% | 37 | 0% | 448 | 4% | 1691 | 17% | 1795 | 18% | 348 | 3% | 33 | 0% | 11884 | 100% |
| 2004 | 6814 | 58% | 53 | 0% | 589 | 5% | 2013 | 17% | 1911 | 16% | 390 | 3% | 38 | 0% | 11708 | 100% |
| 2005 | 6746 | 55% | 59 | 0% | 617 | 5% | 2078 | 17% | 2163 | 18% | 498 | 4% | 29 | 0% | 12387 | 100% |
| 2006 | 7280 | 55% | 88 | 1% | 683 | 5% | 2316 | 17% | 2408 | 18% | 547 | 4% | 8 | 0% | 13387 | 100% |
| 2007 | 7310 | 53% | 52 | 0% | 747 | 5% | 2488 | 18% | 2632 | 19% | 549 | 4% | 12 | 0% | 13888 | 100% |
| 2008 | 6582 | 51% | 60 | 0% | 728 | 5% | 2309 | 18% | 2621 | 20% | 536 | 4% | 17 | 0% | 12843 | 100% |

**All Enrolled First-time Freshmen**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 4309 | 66% | 37 | 1% | 199 | 3% | 1133 | 17% | 891 | 13% | 83 | 1% | 2 | 0% | 6744 | 100% |
| 1999 | 4447 | 63% | 28 | 0% | 286 | 4% | 1221 | 17% | 976 | 14% | 82 | 1% | | | 7040 | 100% |
| 2000 | 4801 | 62% | 32 | 0% | 298 | 4% | 1325 | 17% | 1011 | 13% | 217 | 3% | 4 | 0% | 7688 | 100% |
| 2001 | 4447 | 61% | 34 | 0% | 242 | 3% | 1413 | 19% | 1024 | 14% | 139 | 2% | 38 | 1% | 7337 | 100% |
| 2002 | 4882 | 62% | 35 | 0% | 272 | 3% | 1462 | 18% | 1137 | 14% | 157 | 2% | | | 7936 | 100% |
| 2003 | 3886 | 69% | 19 | 0% | 267 | 4% | 1153 | 19% | 1068 | 18% | 158 | 3% | 15 | 0% | 6644 | 100% |
| 2004 | 3901 | 57% | 28 | 0% | 309 | 5% | 1218 | 18% | 1149 | 17% | 173 | 3% | 18 | 0% | 6796 | 100% |
| 2005 | 3838 | 59% | 33 | 0% | 361 | 6% | 1182 | 17% | 1244 | 18% | 236 | 3% | 18 | 0% | 6912 | 100% |
| 2006 | 4029 | 54% | 38 | 1% | 367 | 5% | 1328 | 19% | 1386 | 19% | 250 | 3% | 2 | 0% | 7417 | 100% |
| 2007 | 3830 | 51% | 27 | 0% | 431 | 6% | 1474 | 20% | 1470 | 20% | 238 | 3% | 2 | 0% | 7479 | 100% |
| 2008 | 3613 | 52% | 23 | 0% | 375 | 5% | 1269 | 19% | 1336 | 20% | 208 | 3% | 9 | 0% | 6715 | 100% |

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THE UNIVERSITY OF TEXAS AT AUSTIN
TOP 10% REPORT 11

October 28, 2008

Table 1a
First-Time Enrolled Freshmen from Texas High Schools
Summers and Falls Combined
1998-2008

**Top 10% First-Time Enrolled Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 1497 | 60% | 9 | 0% | 80 | 3% | 519 | 21% | 414 | 16% | 5 | 0% | | | 2513 | 100% |
| 1999 | 1620 | 56% | 10 | 0% | 160 | 5% | 809 | 21% | 513 | 18% | 10 | 0% | 3 | 0% | 2825 | 100% |
| 2000 | 1821 | 57% | 9 | 0% | 156 | 5% | 865 | 26% | 591 | 18% | 15 | 0% | 1 | 0% | 3346 | 100% |
| 2001 | 1942 | 57% | 10 | 0% | 137 | 4% | 718 | 21% | 575 | 17% | 26 | 1% | 16 | 0% | 3423 | 100% |
| 2002 | 2203 | 66% | 19 | 0% | 156 | 4% | 820 | 25% | 703 | 18% | 51 | 1% | | | 3932 | 100% |
| 2003 | 2378 | 56% | 15 | 0% | 194 | 5% | 761 | 18% | 856 | 20% | 61 | 1% | 2 | 0% | 4269 | 100% |
| 2004 | 2270 | 54% | 20 | 0% | 225 | 5% | 776 | 18% | 857 | 21% | 80 | 1% | 3 | 0% | 4241 | 100% |
| 2005 | 2288 | 52% | 16 | 0% | 252 | 6% | 762 | 18% | 966 | 22% | 86 | 2% | | | 4381 | 100% |
| 2006 | 2524 | 51% | 23 | 0% | 268 | 5% | 829 | 16% | 1049 | 21% | 108 | 2% | 1 | 0% | 4802 | 100% |
| 2007 | 2359 | 49% | 15 | 0% | 284 | 6% | 1008 | 21% | 1109 | 23% | 86 | 2% | | | 4879 | 100% |
| 2008 | 2480 | 48% | 14 | 0% | 306 | 6% | 1029 | 20% | 1184 | 23% | 122 | 2% | 4 | 0% | 5114 | 100% |

**Non-Top 10% First-Time Enrolled Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 2457 | 69% | 34 | 1% | 119 | 3% | 642 | 18% | 441 | 12% | 14 | 0% | | | 3697 | 100% |
| 1999 | 2472 | 69% | 14 | 0% | 113 | 3% | 589 | 16% | 434 | 12% | 7 | 0% | 7 | 0% | 3636 | 100% |
| 2000 | 2529 | 69% | 21 | 1% | 129 | 3% | 628 | 17% | 401 | 11% | 25 | 1% | 2 | 0% | 3713 | 100% |
| 2001 | 2076 | 64% | 20 | 1% | 88 | 3% | 607 | 19% | 426 | 13% | 15 | 0% | 13 | 0% | 3235 | 100% |
| 2002 | 2188 | 69% | 12 | 0% | 90 | 3% | 552 | 17% | 411 | 13% | 30 | 1% | | | 3282 | 100% |
| 2003 | 1202 | 67% | * | * | 64 | 4% | 288 | 16% | 199 | 11% | 35 | 2% | 1 | 0% | 1804 | 100% |
| 2004 | 1384 | 64% | 6 | 0% | 77 | 4% | 369 | 17% | 251 | 12% | 44 | 2% | 5 | 0% | 2187 | 100% |
| 2005 | 1230 | 62% | 10 | 0% | 67 | 4% | 380 | 19% | 284 | 13% | 44 | 2% | 12 | 1% | 1997 | 100% |
| 2006 | 1163 | 69% | 10 | 1% | 110 | 6% | 327 | 17% | 314 | 16% | 38 | 2% | | | 1962 | 100% |
| 2007 | 1112 | 58% | 11 | 1% | 136 | 7% | 378 | 19% | 343 | 17% | 48 | 2% | | | 2028 | 100% |
| 2008 | 790 | 60% | 8 | 1% | 58 | 5% | 173 | 14% | 168 | 13% | 18 | 1% | 3 | 0% | 1309 | 100% |

**All Enrolled First-time Freshmen from Texas High Schools**

| | White | | Native American | | African American | | Asian American | | Hispanic | | International | | Unknown | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| 1998 | 3954 | 66% | 33 | 1% | 199 | 3% | 1061 | 17% | 855 | 14% | 19 | 0% | | | 6116 | 100% |
| 1999 | 4092 | 63% | 24 | 0% | 273 | 4% | 1198 | 18% | 937 | 14% | 17 | 0% | 10 | 0% | 6521 | 100% |
| 2000 | 4450 | 63% | 30 | 0% | 285 | 4% | 1293 | 18% | 992 | 14% | 40 | 1% | 3 | 0% | 7093 | 100% |
| 2001 | 4018 | 60% | 30 | 0% | 225 | 4% | 1325 | 20% | 1001 | 15% | 40 | 1% | 29 | 0% | 6668 | 100% |
| 2002 | 4391 | 61% | 31 | 0% | 246 | 4% | 1382 | 19% | 1114 | 15% | 81 | 1% | | | 7234 | 100% |
| 2003 | 3580 | 59% | 19 | 0% | 258 | 4% | 1050 | 17% | 1057 | 17% | 96 | 2% | 3 | 0% | 6073 | 100% |
| 2004 | 3654 | 57% | 26 | 0% | 302 | 5% | 1164 | 18% | 1138 | 18% | 104 | 2% | 8 | 0% | 6396 | 100% |
| 2005 | 3618 | 56% | 26 | 0% | 339 | 5% | 1132 | 18% | 1230 | 19% | 129 | 2% | 12 | 0% | 6380 | 100% |
| 2006 | 3687 | 54% | 33 | 0% | 378 | 6% | 1256 | 18% | 1363 | 20% | 146 | 2% | 1 | 0% | 6864 | 100% |
| 2007 | 3471 | 56% | 26 | 0% | 422 | 6% | 1383 | 20% | 1452 | 21% | 146 | 2% | | | 6906 | 100% |
| 2008 | 3270 | 53% | 22 | 0% | 363 | 6% | 1198 | 19% | 1322 | 21% | 140 | 2% | 7 | 0% | 6322 | 100% |

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Table 2

TOP 10% STUDENTS ADMITTED TO UT AUSTIN BY RACIAL/ETHNIC BACKGROUND

HB 588 Automatic Admits divided by (" / " ) Total Admits

Summer/Fall 2001-2008

| ETHNICITY | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 3213/7787 | 41% | 3527/8258 | 43% | 3996/8852 | 68% | 3817/8814 | 56% | 3887/8745 | 58% | 4297/7290 | 59% | 4244/7310 | 58% | 4440/6582 | 67% |
| African American | 245/445 | 55% | 278/494 | 56% | 326/448 | 73% | 428/589 | 73% | 441/617 | 71% | 483/683 | 69% | 485/747 | 65% | 582/728 | 80 % |
| Asian American | 1081/2198 | 49% | 1211/2298 | 53% | 1250/1991 | 63% | 1257/2013 | 62% | 1302/2076 | 63% | 1572/2315 | 68% | 1571/2496 | 63% | 1744/2309 | 76% |
| Hispanic | 1012/1815 | 56% | 1177/1945 | 61% | 1424/1795 | 79% | 1451/1911 | 76% | 1656/2183 | 76% | 1790/2406 | 74% | 1974/2632 | 75% | 2218/2621 | 85% |

Table 2a

TOP 10% STUDENTS ADMITTED TO UT AUSTIN BY RACIAL/ETHNIC BACKGROUND

HB 588 Automatic Admits divided by (" / " ) Admits from Texas High Schools

Summer/Fall 2001-2008

| ETHNICITY | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| White | 3213/6629 | 48% | 3527/8089 | 91% | 3996/6004 | 67% | 3817/6132 | 62% | 3887/5908 | 66% | 4297/6258 | 69% | 4244/6196 | 68% | 4440/5854 | 76% |
| African American | 245/424 | 58% | 278/452 | 62% | 326/425 | 77% | 428/563 | 77% | 441/592 | 74% | 483/681 | 70% | 485/707 | 69% | 582/700 | 83% |
| Asian American | 1081/1909 | 57% | 1211/1985 | 62% | 1250/1725 | 72% | 1257/1823 | 69% | 1302/1886 | 70% | 1572/2060 | 76% | 1571/2163 | 73% | 1744/2079 | 84% |
| Hispanic | 1012/1714 | 59% | 1177/1817 | 65% | 1424/1745 | 82% | 1451/1860 | 78% | 1656/2119 | 78% | 1790/2318 | 77% | 1974/2550 | 77% | 2218/2563 | 87% |

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Table 2b

**UNIVERSITY OF TEXAS ENTERING FRESHMAN CLASSES**

**Breakout of Top 10% Status**

**Enrolled Students from Texas High Schools**

**Summer/Fall 1998-2008**

| | TX Grads | Top 10% | | Non-Top 10% | |
|---|---|---|---|---|---|
| | N | N | % | N | % |
| 1998 | 6110 | 2513 | 41% | 3597 | 59% |
| 1999 | 6521 | 2925 | 45% | 3596 | 55% |
| 2000 | 7059 | 3346 | 47% | 3713 | 53% |
| 2001 | 6678 | 3423 | 51% | 3255 | 49% |
| 2002 | 7234 | 3932 | 54% | 3302 | 46% |
| 2003 | 6093 | 4289 | 70% | 1804 | 30% |
| 2004 | 6398 | 4241 | 66% | 2157 | 34% |
| 2005 | 6368 | 4391 | 69% | 1997 | 31% |
| 2006 | 6864 | 4902 | 71% | 1962 | 29% |
| 2007 | 6900 | 4870 | 71% | 2030 | 29% |
| 2008 | 6322 | 5114 | 81% | 1208 | 19% |

Table 3

**MEAN COLLEGE ADMISSION TEST SCORES OF ENROLLED TOP 10% AND NON-TOP 10% STUDENTS**

**Graduates of Texas High Schools**

**Summer/Fall 1998-2008**

Note: The ranges below, and throughout this report, represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date.

| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Top 10% | 1243 | 1231 | 1226 | 1225 | 1226 | 1223 | 1221 | 1226 | 1220 | 1225 | 1219 |
| Non-Top 10% | 1193 | 1193 | 1205 | 1215 | 1222 | 1257 | 1258 | 1277 | 1257 | 1248 | 1285 |
| Total | 1214 | 1210 | 1215 | 1220 | 1224 | 1233 | 1233 | 1242 | 1230 | 1231 | 1232 |

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Table 4a

**SAT SCORE RANGES FOR ENROLLED FRESHMEN TOP 10% STUDENTS**

**Graduates of Texas High Schools**

**Summer/Fall 1998-2008**

Note: The ranges below, and throughout this report, represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date.

| SAT | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| <900 | 27 | 1 | 68 | 2 | 82 | 2 | 81 | 2 | 96 | 3 | 128 | 3 | 135 | 3 | 129 | 3 | 171 | 3 | 131 | 3% | 139 | 3% |
| 900-990 | 89 | 4 | 122 | 4 | 176 | 5 | 190 | 6 | 223 | 6 | 258 | 6 | 263 | 6 | 247 | 6 | 298 | 6 | 326 | 7% | 336 | 7% |
| 1000-1090 | 309 | 12 | 375 | 13 | 439 | 13 | 440 | 13 | 522 | 13 | 572 | 13 | 560 | 13 | 570 | 13 | 690 | 14 | 642 | 13% | 720 | 14% |
| 1100-1190 | 473 | 19 | 540 | 18 | 669 | 20 | 692 | 20 | 728 | 19 | 806 | 19 | 801 | 19 | 844 | 19 | 891 | 18 | 906 | 19% | 952 | 19% |
| 1200-1290 | 664 | 26 | 762 | 26 | 810 | 24 | 811 | 24 | 933 | 24 | 1023 | 24 | 1004 | 24 | 1026 | 23 | 1145 | 23 | 1094 | 22% | 1242 | 24% |
| 1300-1390 | 557 | 22 | 636 | 22 | 675 | 20 | 704 | 21 | 848 | 22 | 841 | 20 | 830 | 20 | 863 | 20 | 949 | 19 | 981 | 20% | 988 | 19% |
| 1400-1490 | 300 | 12 | 324 | 11 | 381 | 11 | 393 | 11 | 461 | 12 | 499 | 12 | 478 | 11 | 507 | 12 | 547 | 11 | 600 | 12% | 542 | 11% |
| 1500+ | 94 | 4 | 98 | 3 | 114 | 3 | 112 | 3 | 119 | 3 | 163 | 4 | 169 | 4 | 205 | 5 | 211 | 4 | 207 | 4% | 195 | 4% |
| Total | 2513 | 100 | 2925 | 100 | 3346 | 100 | 3423 | 100 | 3932 | 100 | 4289 | 100 | 4241 | 100 | 4391 | 100 | 4902 | 100 | 4870 | 100% | 5114 | 100% |
| SAT Mean | 1243 | | 1231 | | 1226 | | 1225 | | 1226 | | 1223 | | 1221 | | 1226 | | 1220 | | 1225 | | 1219 | |

Table 4b

**SAT SCORE RANGES FOR ENROLLED FRESHMEN NON-TOP 10% STUDENTS**

**Graduates of Texas High Schools**

**Summer/Fall 1998-2008**

Note: The sum of the SAT intervals in 2005 may not equal to the total because 14 entering freshmen were specially enrolled "Hurricane Katrina" students who had no test scores.

| SAT | 1998 | | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| <900 | 52 | 1 | 47 | 1 | 45 | 1 | 19 | 1 | 43 | 1 | 30 | 2 | 36 | 2 | 30 | 2 | 56 | 3 | 42 | 2% | 16 | 1% |
| 900-990 | 169 | 5 | 181 | 6 | 117 | 3 | 96 | 3 | 96 | 3 | 43 | 2 | 47 | 2 | 41 | 2 | 69 | 4 | 107 | 6% | 30 | 2% |
| 1000-1090 | 560 | 16 | 602 | 17 | 531 | 14 | 439 | 13 | 374 | 11 | 128 | 7 | 130 | 6 | 140 | 7 | 142 | 7 | 182 | 9% | 72 | 6% |
| 1100-1190 | 1009 | 28 | 985 | 27 | 1005 | 27 | 808 | 25 | 776 | 24 | 274 | 15 | 397 | 18 | 233 | 12 | 305 | 16 | 319 | 16% | 138 | 11% |
| 1200-1290 | 1009 | 28 | 1018 | 28 | 1155 | 31 | 1072 | 33 | 1074 | 33 | 577 | 32 | 639 | 30 | 564 | 28 | 504 | 26 | 529 | 26% | 306 | 25% |
| 1300-1390 | 591 | 16 | 544 | 15 | 611 | 16 | 572 | 18 | 655 | 20 | 491 | 27 | 606 | 28 | 569 | 28 | 578 | 29 | 544 | 27% | 411 | 34% |
| 1400-1490 | 178 | 5 | 202 | 6 | 193 | 5 | 208 | 6 | 239 | 7 | 209 | 12 | 247 | 11 | 302 | 15 | 244 | 12 | 239 | 12% | 174 | 14% |
| 1500+ | 29 | 1 | 37 | 1 | 56 | 2 | 45 | 1 | 45 | 1 | 51 | 3 | 53 | 2 | 74 | 4 | 64 | 3 | 68 | 3% | 59 | 5% |
| Total | 3597 | 100 | 3696 | 100 | 3713 | 100 | 3258 | 100 | 3302 | 100 | 1894 | 100 | 2157 | 100 | 1997 | 100 | 1962 | 100 | 2030 | 100% | 1208 | 100% |
| SAT Mean | 1193 | | 1193 | | 1200 | | 1215 | | 1222 | | 1257 | | 1258 | | 1277 | | 1257 | | 1246 | | 1285 | |

Table 5
TASP/TSI RESULTS FOR TOP 10% AND NON-TOP 10% STUDENTS
1996-2008

| | Exempt (%) | | Passed (%) | | Remediation (%) | | Total (n-count) | |
|---|---|---|---|---|---|---|---|---|
| | Top 10% | Other | Top 10% | Other | Top 10% | Other | Top 10% | Other |
| 1998 | 89 | 82 | 10 | 15 | 1 | 3 | 2513 | 3597 |
| 1999 | 90 | 85 | 9 | 14 | 1 | 1 | 2925 | 3586 |
| 2000 | 90 | 88 | 8 | 10 | 1 | 1 | 3348 | 3713 |
| 2001 | 91 | 91 | 8 | 8 | 1 | 1 | 3423 | 3256 |
| 2002 | 96 | 95 | 4 | 5 | <1 | 1 | 3932 | 3302 |
| 2003 | 97 | 97 | 2 | 3 | <1 | <1 | 4289 | 1804 |
| 2004 | 94 | 96 | 4 | 3 | 2 | 1 | 4241 | 2157 |
| 2005 | 87 | 93 | 11 | 5 | 2 | 2 | 4391 | 1997 |
| 2006 | 90 | 92 | 9 | 6 | 1 | 2 | 4902 | 1982 |
| 2007 | 92 | 92 | 7 | 7 | 1 | 2 | 4870 | 2030 |
| 2008 | 94 | 96 | 5 | 4 | 1 | 1 | 4804 | 1516 |

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Table 8
**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE**
Entering 2003-2007
Graduates of Texas High Schools

Note: The sum of the SAT intervals in 2005 may not equal to the total because 14 entering freshmen were specially enrolled "Hurricane Katrina" students who had no test scores.

| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 128 | 2.56 | 30 | 2.17 | 135 | 2.52 | 38 | 2.34 | 129 | 2.33 | 30 | 2.35 | 171 | 2.27 | 56 | 2.34 | 131 | 2.12 | 42 | 2.83 |
| 900-999 | 258 | 2.71 | 43 | 2.46 | 263 | 2.68 | 47 | 2.29 | 247 | 2.69 | 41 | 2.76 | 288 | 2.67 | 69 | 2.16 | 326 | 2.43 | 107 | 2.20 |
| 1000-1099 | 572 | 2.90 | 126 | 2.79 | 580 | 2.82 | 150 | 2.79 | 570 | 2.89 | 140 | 2.83 | 690 | 2.76 | 142 | 2.49 | 642 | 2.84 | 182 | 2.43 |
| 1100-1199 | 805 | 3.09 | 274 | 2.84 | 801 | 3.09 | 307 | 2.88 | 844 | 2.96 | 233 | 2.79 | 861 | 2.86 | 306 | 2.76 | 906 | 2.89 | 319 | 2.68 |
| 1200-1299 | 1023 | 3.28 | 577 | 3.02 | 1004 | 3.27 | 630 | 3.01 | 1026 | 3.21 | 564 | 2.99 | 1145 | 3.19 | 504 | 3.03 | 1094 | 3.16 | 529 | 2.89 |
| 1300-1399 | 841 | 3.51 | 491 | 3.16 | 850 | 3.46 | 606 | 3.17 | 863 | 3.44 | 599 | 3.13 | 949 | 3.43 | 578 | 3.07 | 961 | 3.38 | 544 | 3.04 |
| 1400-1499 | 499 | 3.66 | 209 | 3.36 | 478 | 3.66 | 247 | 3.16 | 507 | 3.64 | 302 | 3.27 | 547 | 3.64 | 244 | 3.32 | 600 | 3.54 | 239 | 3.05 |
| 1500+ | 183 | 3.81 | 51 | 3.61 | 189 | 3.78 | 83 | 3.31 | 205 | 3.82 | 74 | 3.48 | 211 | 3.79 | 64 | 3.41 | 207 | 3.68 | 68 | 3.16 |
| Total/Mean | 4299 | 3.34 | 1894 | 3.05 | 4341 | 3.31 | 2167 | 3.00 | 4391 | 3.18 | 1997 | 3.02 | 4882 | 3.14 | 1963 | 2.96 | 4876 | 3.08 | 2030 | 2.83 |
| SAT Mean | 1223 | | 1257 | | 1221 | | 1288 | | 1226 | | 1277 | | 1220 | | 1257 | | 1225 | | 1246 | |

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Table 6a
**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE**
Entering 2003-2007
Graduates of Texas High Schools
White Students

| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 12 | 2.98 | * | * | 5 | 2.88 | 8 | 2.53 | 11 | 2.49 | 5 | 2.31 | 8 | 2.89 | 6 | 2.63 | 5 | 2.59 | * | * |
| 900-990 | 54 | 2.99 | 14 | 2.48 | 56 | 2.72 | 17 | 2.38 | 48 | 2.89 | 10 | 2.36 | 57 | 2.73 | 16 | 2.48 | 44 | 2.88 | 27 | 2.68 |
| 1000-1090 | 221 | 2.95 | 74 | 2.75 | 205 | 2.88 | 66 | 2.89 | 185 | 2.82 | 64 | 2.73 | 245 | 2.79 | 61 | 2.87 | 180 | 2.83 | 89 | 2.57 |
| 1100-1190 | 448 | 3.10 | 183 | 2.89 | 444 | 3.11 | 202 | 2.78 | 425 | 3.09 | 131 | 2.89 | 433 | 2.88 | 156 | 2.89 | 419 | 3.02 | 162 | 2.74 |
| 1200-1290 | 651 | 3.25 | 421 | 3.09 | 615 | 3.38 | 433 | 3.04 | 621 | 3.23 | 322 | 3.02 | 724 | 3.23 | 331 | 3.06 | 623 | 3.19 | 317 | 2.94 |
| 1300-1390 | 574 | 3.59 | 333 | 3.14 | 542 | 3.48 | 421 | 3.16 | 571 | 3.47 | 405 | 3.13 | 622 | 3.42 | 392 | 3.09 | 583 | 3.41 | 374 | 3.07 |
| 1400-1490 | 326 | 3.66 | 144 | 3.28 | 305 | 3.63 | 147 | 3.31 | 321 | 3.63 | 199 | 3.29 | 321 | 3.64 | 163 | 3.39 | 370 | 3.53 | 124 | 3.13 |
| 1500+ | 92 | 3.76 | 28 | 3.64 | 99 | 3.76 | 30 | 3.39 | 106 | 3.89 | 50 | 3.47 | 114 | 3.82 | 36 | 3.42 | 113 | 3.89 | 36 | 3.29 |
| Total/Mean | 2378 | 3.32 | 1202 | 3.08 | 2276 | 3.51 | 1384 | 3.03 | 2288 | 3.36 | 1236 | 3.08 | 2524 | 3.25 | 1163 | 3.06 | 2358 | 3.25 | 1112 | 2.96 |
| SAT Mean | 1262 | | 1267 | | 1262 | | 1267 | | 1268 | | 1266 | | 1264 | | 1266 | | 1275 | | 1275 | |

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Table 6b
**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE**
Entering 2003-2007
Graduates of Texas High Schools
African American Students

| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 31 | 2.19 | 12 | 2.34 | 46 | 1.87 | 13 | 2.34 | 45 | 2.18 | 12 | 2.32 | 34 | 2.14 | 25 | 2.28 | 26 | 2.14 | 21 | 2.18 |
| 900-990 | 30 | 2.62 | 11 | 2.25 | 40 | 2.61 | 8 | 1.86 | 36 | 2.31 | 8 | 2.13 | 52 | 2.38 | 6 | 2.18 | 62 | 2.58 | 29 | 2.10 |
| 1000-1090 | 61 | 2.74 | 10 | 2.36 | 54 | 2.81 | 11 | 2.42 | 66 | 2.68 | 11 | 1.86 | 61 | 2.64 | 13 | 2.66 | 75 | 2.81 | 24 | 2.50 |
| 1100-1190 | 30 | 2.93 | 14 | 2.60 | 34 | 2.86 | 13 | 2.94 | 50 | 2.80 | 23 | 2.62 | 45 | 3.08 | 35 | 2.7 | 61 | 2.87 | 30 | 2.58 |
| 1200-1290 | 31 | 3.33 | 12 | 3.87 | 33 | 3.11 | 19 | 2.82 | 42 | 3.08 | 18 | 2.78 | 34 | 3.08 | 22 | 2.81 | 44 | 3.11 | 22 | 2.78 |
| 1300-1390 | 9 | 3.37 | * | * | 14 | 3.33 | 10 | 3.12 | 11 | 3.31 | 14 | 2.98 | 16 | 3.14 | 8 | 2.73 | 12 | 3.44 | 6 | 2.23 |
| 1400-1490 | * | * | * | * | * | * | * | * | * | * | * | * | 5 | 2.87 | * | * | * | * | 5 | 2.83 |
| 1500+ | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Total/Mean | 194 | 2.78 | 64 | 2.56 | 225 | 2.89 | 77 | 2.89 | 252 | 2.88 | 87 | 2.58 | 268 | 2.89 | 116 | 2.68 | 284 | 2.86 | 138 | 2.42 |
| SAT Mean | 1063 | | 1065 | | 1046 | | 1114 | | 1039 | | 1118 | | 1067 | | 1096 | | 1078 | | 1073 | |

Table 6c
**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE**
Entering 2003-2007
Graduates of Texas High Schools
Asian American Students

| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 9 | 2.81 | * | * | 12 | 2.48 | * | * | 11 | 2.39 | * | * | 11 | 2.48 | * | * | 12 | 2.18 | | |
| 900-990 | 27 | 2.76 | 5 | 2.89 | 30 | 2.63 | * | * | 24 | 2.68 | * | * | 33 | 2.7 | * | * | 29 | 2.36 | 8 | 2.41 |
| 1000-1090 | 68 | 2.89 | 14 | 3.02 | 58 | 2.83 | 11 | 3.11 | 85 | 2.76 | 23 | 2.18 | 81 | 2.86 | 19 | 2.87 | 103 | 2.76 | 16 | 2.53 |
| 1100-1190 | 100 | 3.36 | 38 | 2.89 | 116 | 3.10 | 32 | 3.09 | 124 | 3.11 | 30 | 2.82 | 148 | 3.04 | 35 | 2.83 | 154 | 2.82 | 43 | 2.67 |
| 1200-1290 | 167 | 3.53 | 66 | 3.09 | 178 | 3.36 | 105 | 3.03 | 170 | 3.38 | 74 | 3.01 | 176 | 3.32 | 76 | 2.94 | 214 | 3.16 | 100 | 2.90 |
| 1300-1390 | 122 | 3.61 | 100 | 3.36 | 178 | 3.47 | 118 | 3.39 | 157 | 3.39 | 122 | 3.23 | 216 | 3.55 | 111 | 3.14 | 228 | 3.36 | 97 | 3.08 |
| 1400-1490 | 128 | 3.72 | 84 | 3.37 | 138 | 3.70 | 78 | 3.38 | 141 | 3.69 | 76 | 3.29 | 176 | 3.67 | 63 | 3.4 | 165 | 3.68 | 86 | 3.01 |
| 1500+ | 81 | 3.87 | 19 | 3.53 | 84 | 3.86 | 16 | 3.68 | 90 | 3.83 | 23 | 3.62 | 88 | 3.78 | 23 | 3.36 | 80 | 3.67 | 29 | 3.19 |
| Total/Mean | 781 | 3.41 | 298 | 3.17 | 776 | 3.38 | 368 | 3.11 | 782 | 3.33 | 380 | 3.11 | 829 | 3.36 | 327 | 3.05 | 1066 | 3.22 | 378 | 2.94 |
| SAT Mean | 1278 | | 1290 | | 1289 | | 1304 | | 1288 | | 1322 | | 1294 | | 1316 | | 1277 | | 1310 | |



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**Table 6d**
**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE**
**Entering 2003-2007**
**Graduates of Texas High Schools**
**Hispanic Students**

| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | | Top 10% | | Non-Top 10% | |
| SAT Ranges | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 71 | 2.61 | 11 | 2.06 | 67 | 2.64 | 9 | 2.32 | 56 | 2.42 | 13 | 2.39 | 56 | 2.27 | 21 | 2.38 | 76 | 2.06 | 18 | 1.80 |
| 900-990 | 145 | 2.67 | 12 | 2.50 | 131 | 2.69 | 17 | 2.44 | 135 | 2.88 | 15 | 3.16 | 148 | 2.88 | 39 | 1.97 | 150 | 2.46 | 39 | 1.96 |
| 1000-1090 | 211 | 2.89 | 28 | 2.86 | 229 | 2.73 | 36 | 2.88 | 230 | 2.83 | 40 | 2.83 | 265 | 2.72 | 44 | 2.83 | 261 | 2.46 | 70 | 2.25 |
| 1100-1190 | 205 | 3.01 | 35 | 2.83 | 192 | 3.02 | 61 | 2.73 | 225 | 2.98 | 41 | 2.97 | 242 | 2.84 | 74 | 2.8 | 250 | 2.73 | 70 | 2.55 |
| 1200-1290 | 134 | 3.21 | 65 | 3.02 | 159 | 3.14 | 61 | 2.73 | 177 | 3.11 | 90 | 2.86 | 184 | 3.02 | 58 | 3.02 | 182 | 3.06 | 81 | 2.71 |
| 1300-1390 | 58 | 3.31 | 41 | 2.97 | 81 | 3.37 | 48 | 3.16 | 102 | 3.42 | 44 | 2.83 | 83 | 3.27 | 5 | 3.83 | 106 | 3.27 | 47 | 2.80 |
| 1400-1490 | 33 | 3.47 | 5 | 3.22 | 26 | 3.88 | 13 | 3.12 | 27 | 3.48 | 20 | 3.26 | 26 | 3.66 | 13 | 3.16 | 35 | 3.46 | 19 | 2.85 |
| 1500+ | * | * | * | * | * | * | * | * | 5 | 3.84 | * | * | 5 | 3.86 | * | * | 10 | 3.72 | * | * |
| Total/Mean | 858 | 2.96 | 198 | 2.87 | 887 | 2.82 | 251 | 2.81 | 966 | 2.94 | 264 | 2.89 | 1049 | 2.8 | 314 | 2.67 | 1169 | 2.70 | 343 | 2.47 |
| SAT Mean | 1100 | | 1189 | | 1110 | | 1188 | | 1122 | | 1193 | | 1186 | | 1154 | | 1115 | | 1156 | |

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Table 7

**SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND ETHNICITY**

**Entering 2007**

Note: N-counts below represent students with a college admissions test score. SAT means represent SAT combined scores and concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date. Students with no hours toward a GPA were excluded from the computation of the GPA mean. On very rare occasions students are admitted as freshmen to Pharmacy. Those are included in the total but are not listed.

| College/School | Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 21 | 1387 | 3.38 | | | | * | * | * | 9 | 1318 | 3.14 | 31 | 1371 | 3.33 |
| Business | 346 | 1322 | 3.43 | 38 | 1079 | 2.69 | 200 | 1388 | 3.54 | 143 | 1133 | 2.85 | 739 | 1280 | 3.31 |
| Communication | 275 | 1218 | 3.33 | 22 | 1066 | 2.66 | 32 | 1200 | 3.32 | 107 | 1114 | 2.86 | 441 | 1162 | 3.21 |
| Education | 59 | 1158 | 3.16 | 16 | 1000 | 2.84 | 8 | 1148 | 2.82 | 41 | 973 | 2.25 | 126 | 1086 | 2.80 |
| Engineering | 454 | 1331 | 3.16 | 28 | 1210 | 2.76 | 221 | 1328 | 3.22 | 163 | 1218 | 2.75 | 889 | 1305 | 3.00 |
| Fine Arts | 48 | 1288 | 3.49 | 3 | 1183 | 3.38 | * | * | * | 19 | 1156 | 3.31 | 77 | 1246 | 3.41 |
| Geosciences | 9 | 1242 | 2.82 | * | * | * | 5 | 1200 | 3.08 | | | | 15 | 1213 | 2.94 |
| Liberal Arts | 568 | 1254 | 3.25 | 72 | 1064 | 2.62 | 127 | 1188 | 2.89 | 287 | 1066 | 2.63 | 1077 | 1183 | 3.02 |
| Natural Science | 513 | 1260 | 3.15 | 97 | 1072 | 2.69 | 396 | 1247 | 3.13 | 324 | 1116 | 2.62 | 1369 | 1207 | 2.98 |
| Nursing | 38 | 1258 | 3.27 | 7 | 925 | 2.38 | 10 | 1188 | 3.43 | 27 | 1029 | 2.89 | 82 | 1140 | 2.99 |
| Social Work | 10 | 1182 | 2.72 | * | * | * | * | * | * | 9 | 900 | 2.89 | 24 | 1051 | 2.88 |
| Total | 2389 | 1275 | 3.25 | 284 | 1076 | 2.68 | 1085 | 1277 | 3.22 | 1109 | 1115 | 2.70 | 4879 | 1225 | 3.08 |

| College/School | Non-Top 10% | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | | African American | | | Asian American | | | Hispanic | | | All Students | | |
| | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA | N | SAT | GPA |
| Architecture | 10 | 1364 | 3.18 | * | * | * | 7 | 1416 | 2.62 | | | | 22 | 1343 | 2.95 |
| Business | 5 | 1396 | 3.66 | | | | 8 | 1486 | 2.86 | * | * | * | 15 | 1387 | 2.90 |
| Communication | 27 | 1298 | 3.12 | * | * | * | 8 | 1275 | 2.89 | 5 | 1168 | 2.18 | 45 | 1291 | 2.94 |
| Education | 92 | 1218 | 3.18 | 10 | 899 | 2.75 | 15 | 1211 | 2.89 | 18 | 1039 | 2.48 | 140 | 1165 | 3.01 |
| Engineering | 153 | 1328 | 2.74 | 12 | 1291 | 2.36 | 85 | 1371 | 2.94 | 36 | 1288 | 2.45 | 302 | 1326 | 2.75 |
| Fine Arts | 84 | 1247 | 3.02 | 8 | 1058 | 2.72 | 12 | 1204 | 2.88 | 17 | 1148 | 2.67 | 123 | 1218 | 2.89 |
| Geosciences | 28 | 1288 | 2.88 | * | * | * | * | * | * | 5 | 1288 | 2.13 | 41 | 1285 | 2.84 |
| Liberal Arts | 466 | 1288 | 3.01 | 50 | 1029 | 2.38 | 92 | 1317 | 3.08 | 140 | 1157 | 2.86 | 760 | 1234 | 2.87 |
| Natural Science | 227 | 1263 | 2.83 | 38 | 1089 | 2.46 | 141 | 1274 | 2.88 | 106 | 1137 | 2.37 | 530 | 1237 | 2.73 |
| Nursing | | | | | | | * | * | * | | | | * | * | * |
| Social Work | 20 | 1251 | 3.17 | * | * | * | * | * | * | 5 | 1064 | 2.88 | 30 | 1219 | 3.03 |
| Total | 1112 | 1275 | 2.96 | 138 | 1073 | 2.42 | 378 | 1310 | 2.94 | 343 | 1155 | 2.47 | 2030 | 1246 | 2.83 |

**Table 8**

**FRESHMAN YEAR PERFORMANCE BY SAT SCORE RANGE AND GENDER**

**Entering 2003-2007**

| SAT Ranges | Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 26 | 2.25 | 26 | 2.35 | 25 | 2.38 | 22 | 2.41 | 21 | 2.44 | 24 | 2.54 | 44 | 2.69 | 127 | 2.33 | 38 | 1.84 | 93 | 2.23 |
| 900-990 | 54 | 2.36 | 116 | 2.38 | 74 | 2.46 | 107 | 2.53 | 47 | 2.66 | 70 | 2.89 | 88 | 2.45 | 210 | 2.61 | 105 | 2.39 | 221 | 2.44 |
| 1000-1090 | 215 | 2.51 | 345 | 2.68 | 233 | 2.49 | 380 | 2.70 | 208 | 2.61 | 323 | 2.73 | 342 | 2.66 | 448 | 2.81 | 218 | 2.62 | 424 | 2.71 |
| 1100-1190 | 480 | 2.55 | 549 | 2.77 | 482 | 2.91 | 483 | 2.78 | 485 | 2.64 | 540 | 2.86 | 333 | 2.87 | 568 | 3.09 | 386 | 2.75 | 542 | 2.99 |
| 1200-1290 | 561 | 2.80 | 448 | 2.87 | 668 | 2.86 | 460 | 3.03 | 65[illegible] | 2.75 | 500 | 3.03 | 469 | 3.07 | 676 | 3.36 | 441 | 3.04 | 653 | 3.25 |
| 1300-1390 | 409 | 2.76 | 182 | 3.07 | 377 | 2.99 | 167 | 3.16 | 409 | 2.97 | 202 | 3.34 | 444 | 3.32 | 505 | 3.53 | 468 | 3.31 | 493 | 3.45 |
| 1400-1490 | 132 | 3.09 | 46 | 3.33 | 143 | 2.98 | 69 | 3.46 | 132 | 3.21 | 61 | 3.41 | 281 | 3.49 | 256 | 3.69 | 332 | 3.48 | 266 | 3.62 |
| 1500+ | 2[illegible] | 2.98 | 8 | 3.77 | 30 | 3.30 | 7 | 3.76 | 46 | 3.06 | 10 | 3.47 | 126 | 3.77 | 66 | 3.84 | 134 | 3.66 | 73 | 3.74 |
| Total/ Mean GPA | 1878 | 2.64 | 1719 | 2.82 | 1932 | 2.67 | 1694 | 2.82 | 1903 | 2.79 | 1736 | 2.94 | 2827 | 3.12 | 3066 | 3.16 | 2183 | 3.06 | 2767 | 3.10 |
| Mean Test Score | 1222 | | 1162 | | 1217 | | 1169 | | 1229 | | 1178 | | 1201 | | 1168 | | 1257 | | 1201 | |

| SAT Ranges | Not Top 10% | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Entering 2003 | | | | Entering 2004 | | | | Entering 2005 | | | | Entering 2006 | | | | Entering 2007 | | | |
| | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | | Male | | Female | |
| | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA | N | GPA |
| <900 | 14 | 2.17 | 16 | 2.17 | 20 | 2.43 | 16 | 2.32 | 19 | 2.41 | 11 | 2.34 | 29 | 2.28 | 27 | 2.49 | 25 | 2.86 | 17 | 2.91 |
| 900-990 | 24 | 2.26 | 19 | 2.72 | 22 | 2.88 | 25 | 2.49 | 14 | 2.68 | 27 | 2.79 | 32 | 1.89 | 37 | 2.38 | 42 | 2.14 | 55 | 2.24 |
| 1000-1090 | 51 | 2.67 | 77 | 2.84 | 39 | 2.47 | 61 | 2.89 | 60 | 2.81 | 80 | 2.86 | 55 | 2.49 | 87 | 2.86 | 66 | 2.35 | 116 | 2.48 |
| 1100-1190 | 105 | 2.81 | 169 | 3.02 | 168 | 2.91 | 229 | 2.86 | 101 | 2.76 | 132 | 2.81 | 149 | 2.63 | 168 | 2.89 | 149 | 2.63 | 170 | 2.81 |
| 1200-1290 | 275 | 2.83 | 302 | 3.19 | 280 | 2.86 | 309 | 3.13 | 290 | 2.87 | 274 | 3.12 | 247 | 2.89 | 257 | 2.17 | 280 | 2.74 | 289 | 3.04 |
| 1300-1390 | 295 | 3.09 | 199 | 3.38 | 303 | 2.99 | 246 | 3.32 | 302 | 3.04 | 207 | 3.31 | 330 | 2.89 | 249 | 3.19 | 315 | 2.94 | 228 | 3.17 |
| 1400-1490 | 154 | 3.23 | 56 | 3.49 | 199 | 3.11 | 79 | 3.37 | 209 | 3.22 | 93 | 3.39 | 176 | 3.25 | 69 | 3.89 | 167 | 2.97 | 72 | 3.25 |
| 1500+ | 41 | 3.48 | 10 | 3.61 | 45 | 3.34 | 8 | 3.29 | 66 | 3.48 | 18 | 3.76 | 63 | 3.42 | 11 | 3.34 | 51 | 3.11 | 17 | 3.30 |
| Total/ Mean GPA | 969 | 2.94 | 848 | 3.17 | 1186 | 2.91 | 1082 | 3.19 | 1148 | 2.98 | 949 | 3.09 | 1673 | 2.89 | 899 | 3.04 | 1618 | 2.76 | 964 | 2.91 |
| Mean Test Score | 1283 | | 1229 | | 1283 | | 1233 | | 1299 | | 1247 | | 1279 | | 1229 | | 1271 | | 1219 | |

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Table 9
**SAT MEAN AND FRESHMAN GPA BY UNDERGRADUATE COLLEGES AND GENDER**
**Entering 2007**

Note: N-counts below represent students with a college admissions test score. SAT means represent SAT combined scores a concorded ACT scores. As is the case with the UT admissions routine, students submitting more than one set of scores were given the benefit of the best performance from a single test date. Students with no hours toward a GPA were excluded from the computation of the GPA mean. On very rare occasions students are admitted as freshmen to Pharmacy. Those are included in the total but are not listed.

| College/School | Top 10% | | | | | |
|---|---|---|---|---|---|---|
| | Male | | | Female | | |
| | N | SAT | GPA | N | SAT | GPA |
| Architecture | 12 | 1372 | 3.18 | 19 | 1371 | 3.43 |
| Business | 308 | 1311 | 3.27 | 431 | 1258 | 3.33 |
| Communication | 130 | 1202 | 3.11 | 311 | 1173 | 3.25 |
| Education | 28 | 1084 | 2.88 | 100 | 1080 | 2.79 |
| Engineering | 652 | 1304 | 3.07 | 237 | 1309 | 3.18 |
| Fine Arts | 22 | 1230 | 3.43 | 56 | 1253 | 3.41 |
| Geosciences | 9 | 1151 | 2.76 | 6 | 1306 | 3.27 |
| Liberal Arts | 390 | 1191 | 2.99 | 667 | 1178 | 3.08 |
| Natural Science | 548 | 1241 | 3.00 | 823 | 1188 | 2.97 |
| Nursing | 6 | 1046 | 2.79 | 76 | 1146 | 3.06 |
| Social Work | * | * | * | 23 | 1049 | 2.81 |
| Total | 2103 | 1257 | 3.05 | 2767 | 1291 | 3.10 |
| College/School | Non-Top 10% | | | | | |
| | Male | | | Female | | |
| | N | SAT | GPA | N | SAT | GPA |
| Architecture | 13 | 1338 | 2.90 | 9 | 1344 | 3.23 |
| Business | 11 | 1307 | 2.74 | * | * | * |
| Communication | 18 | 1263 | 2.62 | 27 | 1299 | 3.18 |
| Education | 25 | 1004 | 2.78 | 116 | 1181 | 3.05 |
| Engineering | 261 | 1328 | 2.72 | 41 | 1310 | 2.90 |
| Fine Arts | 52 | 1225 | 2.85 | 71 | 1218 | 3.07 |
| Geosciences | 26 | 1283 | 2.94 | 15 | 1233 | 2.68 |
| Liberal Arts | 383 | 1248 | 2.81 | 397 | 1223 | 2.84 |
| Natural Science | 275 | 1287 | 2.72 | 256 | 1204 | 2.73 |
| Nursing | * | * | * | * | * | * |
| Social Work | 11 | 1238 | 3.11 | 19 | 1198 | 2.89 |
| Total | 1078 | 1271 | 2.76 | 984 | 1219 | 2.91 |

**Total Number of Non-Top 10% Applicants for Years 2003-2008 by Race**

| | Total Appe | HB 588 Admits | Non-HB 588 Appe |
|---|---|---|---|
| 2003 | 24519 | 7132 | 17387 |
| 2004 | 23008 | 7089 | 15919 |
| 2005 | 23925 | 7486 | 16439 |
| 2006 | 27315 | 8353 | 18962 |
| 2007 | 27237 | 8478 | 18761 |
| 2008 | 29501 | 9253 | 20248 |

| 2003 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 111 |
| ASIAN AMERICAN | 3430 |
| BLACK | 1351 |
| HISPANIC | 4101 |
| INTERNATIONAL | 1477 |
| WHITE | 13944 |
| Not Reported | 86 |
| Total | 24519 |

| 2003 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 24 |
| ASIAN AMERICAN | 1760 |
| BLACK | 328 |
| HISPANIC | 1424 |
| INTERNATIONAL | 101 |
| WHITE | 4032 |
| Not Reported | 5 |
| Total | 7132 |

| 2003 Non-HB 588 Applicants | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 87 |
| ASIAN AMERICAN | 2188 |
| BLACK | 1023 |
| HISPANIC | 2677 |
| INTERNATIONAL | 1376 |
| WHITE | 8942 |
| Not Reported | 81 |
| Total | 17387 |

| 2004 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 127 |
| ASIAN AMERICAN | 3252 |
| BLACK | 1456 |
| HISPANIC | 4006 |
| INTERNATIONAL | 1571 |
| WHITE | 12417 |
| Not Reported | 140 |
| Total | 23008 |

| 2004 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 30 |
| ASIAN AMERICAN | 1257 |
| BLACK | 428 |
| HISPANIC | 1451 |
| INTERNATIONAL | 108 |
| WHITE | 3817 |
| Not Reported | 6 |
| Total | 7089 |

| 2004 Non-HB 588 Applicants | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 97 |
| ASIAN AMERICAN | 2005 |
| BLACK | 1028 |
| HISPANIC | 2584 |
| INTERNATIONAL | 1471 |
| WHITE | 8600 |
| Not Reported | 134 |
| Total | 15919 |

| 2005 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 124 |
| ASIAN AMERICAN | 3463 |
| BLACK | 1562 |
| HISPANIC | 4467 |
| INTERNATIONAL | 1700 |
| WHITE | 12562 |
| Not Reported | 57 |
| Total | 23925 |

| 2005 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 25 |
| ASIAN AMERICAN | 1302 |
| BLACK | 441 |
| HISPANIC | 1696 |
| INTERNATIONAL | 152 |
| WHITE | 3866 |
| Not Reported | 2 |
| Total | 7486 |

| 2005 Non-HB 588 Applicants | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 99 |
| ASIAN AMERICAN | 2161 |
| BLACK | 1111 |
| HISPANIC | 2901 |
| INTERNATIONAL | 1548 |
| WHITE | 8864 |
| Not Reported | 55 |
| Total | 16439 |

| 2006 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 178 |
| ASIAN AMERICAN | 4009 |
| BLACK | 1818 |
| HISPANIC | 5148 |
| INTERNATIONAL | 1741 |
| WHITE | 14301 |
| Not Reported | 27 |
| Total | 27315 |

| 2006 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 37 |
| ASIAN AMERICAN | 1572 |
| BLACK | 453 |
| HISPANIC | 1799 |
| INTERNATIONAL | 182 |
| WHITE | 4297 |
| Not Reported | 3 |
| Total | 8353 |

| 2006 Non-HB 588 Applicants | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 141 |
| ASIAN AMERICAN | 2433 |
| BLACK | 1457 |
| HISPANIC | 3349 |
| INTERNATIONAL | 1548 |
| WHITE | 10004 |
| Not Reported | 25 |
| Total | 18962 |

| 2007 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 135 |
| ASIAN AMERICAN | 4158 |
| BLACK | 1952 |
| HISPANIC | 5335 |
| INTERNATIONAL | 1980 |
| WHITE | 13656 |
| Not Reported | 37 |
| Total | 27237 |

| 2007 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 28 |
| ASIAN AMERICAN | 1571 |
| BLACK | 686 |
| HISPANIC | 1874 |
| INTERNATIONAL | 174 |
| WHITE | 4244 |
| Not Reported | 0 |
| Total | 8478 |

| 2007 Non-HB 588 Applicants | |
|---|---|
| Race | Total |
| AMERICAN INDIAN | 68 |
| ASIAN AMERICAN | 2558 |
| BLACK | 1467 |
| HISPANIC | 3361 |
| INTERNATIONAL | 1795 |
| WHITE | 9412 |
| Not Reported | 37 |
| Total | 18761 |

| 2008 Total Appe | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 140 |
| ASIAN AMERICAN | 4344 |
| BLACK | 2234 |
| HISPANIC | 6081 |
| INTERNATIONAL | 2070 |
| WHITE | 14630 |
| Not Reported | 44 |
| Total | 29501 |

| 2008 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 39 |
| ASIAN AMERICAN | 1744 |
| BLACK | 562 |
| HISPANIC | 2216 |
| INTERNATIONAL | 234 |
| WHITE | 4449 |
| Not Reported | 9 |
| Total | 9253 |

| 2008 Non-HB 588 Applicants | |
|---|---|
| Race | Total |
| AMERICAN INDIAN | 110 |
| ASIAN AMERICAN | 2600 |
| BLACK | 1672 |
| HISPANIC | 3453 |
| INTERNATIONAL | 2396 |
| WHITE | 10346 |
| Not Reported | 76 |
| Total | 20248 |

Total Number of Non-Top 10% Admits for Years 2003-2008 by Race

| | Total Admits | HB 588 Admits | Non-HB 588 Admits |
|---|---|---|---|
| 2003 | 11804 | 7132 | 4672 |
| 2004 | 11788 | 7089 | 4699 |
| 2005 | 12207 | 7466 | 4741 |
| 2006 | 13307 | 8383 | 4924 |
| 2007 | 13800 | 8476 | 5324 |
| 2008 | 12843 | 9053 | 3790 |

| 2003 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 37 |
| ASIAN AMERICAN | 1001 |
| BLACK | 446 |
| HISPANIC | 1700 |
| INTERNATIONAL | 349 |
| WHITE | 6922 |
| Not Reported | 35 |
| Total | 11804 |

| 2003 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 24 |
| ASIAN AMERICAN | 1260 |
| BLACK | 328 |
| HISPANIC | 1494 |
| INTERNATIONAL | 101 |
| WHITE | 4899 |
| Not Reported | 6 |
| Total | 7132 |

| 2003 Non HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 13 |
| ASIAN AMERICAN | 741 |
| BLACK | 118 |
| HISPANIC | 271 |
| INTERNATIONAL | 247 |
| WHITE | 3989 |
| Not Reported | 33 |
| Total | 4672 |

| 2004 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 33 |
| ASIAN AMERICAN | 1013 |
| BLACK | 499 |
| HISPANIC | 1811 |
| INTERNATIONAL | 280 |
| WHITE | 6816 |
| Not Reported | 32 |
| Total | 11788 |

| 2004 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 20 |
| ASIAN AMERICAN | 1267 |
| BLACK | 439 |
| HISPANIC | 1461 |
| INTERNATIONAL | 199 |
| WHITE | 3917 |
| Not Reported | 6 |
| Total | 7089 |

| 2004 Non HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 23 |
| ASIAN AMERICAN | 739 |
| BLACK | 141 |
| HISPANIC | 460 |
| INTERNATIONAL | 240 |
| WHITE | 2897 |
| Not Reported | 33 |
| Total | 4699 |

| 2005 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 59 |
| ASIAN AMERICAN | 1070 |
| BLACK | 617 |
| HISPANIC | 2180 |
| INTERNATIONAL | 466 |
| WHITE | 6746 |
| Not Reported | 39 |
| Total | 12967 |

| 2005 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 34 |
| ASIAN AMERICAN | 1466 |
| BLACK | 441 |
| HISPANIC | 1666 |
| INTERNATIONAL | 180 |
| WHITE | 3669 |
| Not Reported | 3 |
| Total | 7466 |

| 2005 Non HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 34 |
| ASIAN AMERICAN | 774 |
| BLACK | 176 |
| HISPANIC | 514 |
| INTERNATIONAL | 348 |
| WHITE | 2897 |
| Not Reported | 27 |
| Total | 4741 |

| 2006 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 69 |
| ASIAN AMERICAN | 1318 |
| BLACK | 599 |
| HISPANIC | 3458 |
| INTERNATIONAL | 647 |
| WHITE | 7280 |
| Not Reported | 6 |
| Total | 13307 |

| 2006 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 37 |
| ASIAN AMERICAN | 1573 |
| BLACK | 469 |
| HISPANIC | 1756 |
| INTERNATIONAL | 156 |
| WHITE | 4387 |
| Not Reported | 5 |
| Total | 8383 |

| 2006 Non HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 21 |
| ASIAN AMERICAN | 745 |
| BLACK | 330 |
| HISPANIC | 910 |
| INTERNATIONAL | 585 |
| WHITE | 2893 |
| Not Reported | 6 |
| Total | 4924 |

| 2007 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 62 |
| ASIAN AMERICAN | 1455 |
| BLACK | 747 |
| HISPANIC | 2882 |
| INTERNATIONAL | 649 |
| WHITE | 7310 |
| Not Reported | 12 |
| Total | 13800 |

| 2007 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 39 |
| ASIAN AMERICAN | 1671 |
| BLACK | 449 |
| HISPANIC | 1974 |
| INTERNATIONAL | 176 |
| WHITE | 4044 |
| Not Reported | 6 |
| Total | 8476 |

| 2007 Non HB 588 Admits | |
|---|---|
| Race | Total |
| AMERICAN INDIAN | 24 |
| ASIAN AMERICAN | 667 |
| BLACK | 353 |
| HISPANIC | 908 |
| INTERNATIONAL | 576 |
| WHITE | 3266 |
| Not Reported | 18 |
| Total | 5824 |

| 2008 Total Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 59 |
| ASIAN AMERICAN | 2035 |
| BLACK | 726 |
| HISPANIC | 3401 |
| INTERNATIONAL | 689 |
| WHITE | 6853 |
| Not Reported | 17 |
| Total | 12843 |

| 2008 HB 588 Admits | |
|---|---|
| RACE | Total |
| AMERICAN INDIAN | 30 |
| ASIAN AMERICAN | 1744 |
| BLACK | 588 |
| HISPANIC | 2311 |
| INTERNATIONAL | 394 |
| WHITE | 4446 |
| Not Reported | 6 |
| Total | 9053 |

| 2008 Non HB 588 Admits | |
|---|---|
| Race | Total |
| AMERICAN INDIAN | 29 |
| ASIAN AMERICAN | 291 |
| BLACK | 148 |
| HISPANIC | 469 |
| INTERNATIONAL | 295 |
| WHITE | 2143 |
| Not Reported | 15 |
| Total | 3790 |

SJA 170a

# DIVISION OF *Diversity* AND *Community Engagement*

# Impact Report 2008

THE UNIVERSITY OF TEXAS AT AUSTIN

What Starts Here Changes the World

OUR COMMITMENT TO DIVERSITY.

## William Powers, Jr.

### President, The University of Texas at Austin

At The University of Texas at Austin, we believe strongly in the value of a diverse campus community. Students and professors from Texas, across the nation, and more than one hundred countries enrich our learning environment. The multicultural climate at the university provides opportunities and experiences that few of us are exposed to in any other setting. Our campus life can be, and should be, a model of tolerance and understanding that influences the way we interact with others, now and for the rest of our lives.

This university has long been an intellectual gathering place for people who seek knowledge, friendship, and new perspectives. Our campus has gained strength from the richness of its many voices. As a world-class institution of higher learning, we are committed to expanding the range of voices heard on our campus—to welcoming even more cultures and ideas, and to making educational opportunity available to all.

I am excited about the work that the Division of Diversity and Community Engagement has already accomplished. Through academic courses and programs that focus on cultural issues; campus support services for women, underrepresented groups, and persons with disabilities; museums and research centers with ethnic or cultural concentrations; and student organizations that celebrate diversity, their efforts have touched future students, current students, faculty, staff, and members of our community.

By increasing diversity on our campus, we enrich the learning and life experience of everyone.

President William Powers, Jr.

---

## Dr. Steven Leslie

### Provost, The University of Texas at Austin

The creation and recent expansion of the Division of Diversity and Community Engagement clearly demonstrates that The University of Texas at Austin values diversity and fosters a climate that is grounded in respect and inclusion. I am confident that these organizational changes that support our shared vision for diversity at the university will yield positive results for the entire university community. Our office fully supports the work and efforts of Vice President Gregory Vincent and the entire division.

Our mutual commitment to work toward an environment that values diversity requires that we create, promote, and maintain activities and programs which further our understanding of individual and group diversity. It is essential to create a climate that doesn't just accept differences but embraces them, providing rich opportunities for learning from those differences. While there is still much work to be done, the university has made great strides in reaching out to and recruiting underrepresented students, faculty and staff.

The advancement and promotion of diversity figure prominently in the strategic vision and plan of The University of Texas at Austin. Increasing diversity is absolutely fundamental to the success of the university.

Steven Leslie

Dr. Vincent with students from The University of Texas Elementary School

*Dear Colleagues and Friends,*

With the recent restructuring and expansion of the Division of Diversity and Community Engagement, The University of Texas at Austin has one of the most comprehensive units of its kind in higher education. Our division is committed to promoting excellence in education by attracting the most diverse mix of faculty, staff, and students, while connecting our intellectual resources to the needs of the community.

Creating a campus that is diverse and inclusive is central to the successful fulfillment of our purpose as a public research university. We want The University of Texas at Austin to be a model for other universities as they envision ways to enhance diversity and community engagement on their campuses. Tapping into the creative, intellectual, and cultural skills of a variety of people is critical to realizing this goal.

In the following pages, you will see the impact that each of our departments has made and get a glimpse of some of the exciting initiatives we are undertaking. From pre-college programs, to thematic hiring, to our Intellectual Entrepreneurship Initiative, our innovative work has attained measurable progress on campus and in the community.

The understanding of the multiple dimensions of diversity is essential and has significant social, economic, and intellectual benefits. The past year has been an amazing start, but there is more work to be done. We invite you to join us in preserving and strengthening this university's greatest asset – its community of diverse people and ideas.

Dr. Gregory J. Vincent
Vice President for Diversity and Community Engagement
W. K. Kellogg Professor in Community College Leadership
Professor of Law

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# The Division of Diversity and Community Engagement

*directed by* DR. GREGORY J. VINCENT

## Thematic Initiatives and Community Engagement

*directed by*
DR. EDMUND T. GORDON

... increases diversity through recruitment and retention of faculty and graduate students engaged in underrepresented subjects in pedagogy and research, and facilitates interdisciplinary teaching strategies and research across multiple university departments and programs. Community engagement initiatives promote and expand university services to communities that are historically underserved by the university.

Programs in this portfolio include the Indigenous Studies Initiatives, Art and Social Engagement, Volunteer and Service Learning Center, Regional Foundation Library, Institute for Community, University and School Partnerships (ICUSP), the Community Engagement Incubator, and Intellectual Entrepreneurship initiatives.

## Pre-College Youth Development Programs and Student Diversity Initiatives

*directed by*
DR. WANDA L. NELSON

... serves as the hub of a wide range of programs that expand the university's scope across the state by increasing access for underrepresented students to post-secondary education. Outreach programs focus on building academic skills, especially for 1st-generation and low-income students, starting in elementary school through college. Programs include the Neighborhood Longhorns Program, University Outreach Centers, ChemBridge, Students Partnering for Undergraduate Rhetoric Success, Longhorn Center for Academic Excellence, TRIO Programs, PREVIEW Program, Diversity Education Institute, Gender and Sexuality Center, and the Multicultural Information Center.

## Institutional Equity

*directed by*
MS. LINDA MILESTONE

... ensures the fulfillment of the intent and spirit of equal opportunity laws. Among a host of services, Equal Opportunity Services investigates discrimination allegations, seeks equitable resolutions to complaints, provides confidential counseling, offers resources, and serves as a liaison with community organizations and agencies.

EOS seeks to ensure that all hires, promotions, transfers and terminations are made without regard to sex, race, color, age, national origin, religion, disability, citizenship status, Vietnam Era or special disabled veteran status or sexual orientation. The scope of EOS includes, but is not limited to, all policies, practices and conditions of employment.

## School Partnerships

*directed by*
DR. ANGELA VALENZUELA

... builds partnerships to connect the university's resources to constituencies across Texas to ensure that education at all levels is effective and equitable, and is operated under the umbrella of the Texas Center for Education Policy, founded in 2006. Their work focuses on educational policy and provides a forum for school personnel and policy makers to engage with university researchers and scholars on education-related issues. The center addresses a broad range of educational issues, from drop-out prevention to teacher quality and experience, and from state accountability and assessment to college readiness. On-going lecture series and seminars cover relevant topics on subjects such as race and health policy and art education.



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# The University of Texas at Austin places high priority on diversity

Maya Angelou once said: "We all should know that diversity makes for a rich tapestry, and we must understand that all the threads of the tapestry are equal in value no matter what their color."

The University of Texas at Austin embraces and nurtures that philosophy. For university students, faculty and staff, diversity is a major priority. The university aims to set a high standard for diversity in higher education.

President William Powers Jr. emphasizes that The University of Texas at Austin and its student body, faculty and staff must reflect an array of ethnicities, cultures, socioeconomic backgrounds and political viewpoints.

"That's the beauty of a big research university. It brings together many, many voices. It makes our university stronger," Powers says. "You don't want a campus that's homogenous."

Diversity is part of Powers' four-point strategic plan, highlighting its importance to the university community as a whole. "This is one of those things you can't just talk about. You have to actually get out and roll up your sleeves and work on it," Powers says.

## Early Promise, Measurable Results

That work on diversity has paid off. More than 45 percent of incoming freshman for fall 2007 are from underrepresented groups, Powers says. University-wide, fall 2007 enrollment increased for African American, American Indian, Asian American and Hispanic students. There have also been 30 new faculty appointments from underrepresented groups since 2005.

Although the university enrolled the most ethnically diverse freshman class in its history during fall 2007 — 19.7 percent Hispanic students, 19.7 percent Asian American students and 5.8 percent African American students — it strives to continue building a diverse student body, faculty and staff that truly reflect Texas and the entire country. This diversity effort involves outreach programs, admissions centers, financial aid, faculty recruitment programs and many other initiatives.

"An important part of what we've done over the decades is to educate a large part of the leadership of this state, and it is an increasingly diverse state," Powers says. "As a result, we need an increasingly diverse leadership in our economy, in our businesses, in our political institutions, and in our cultural institutions."

## A Platform for Diversity

The cornerstone of the university's commitment to diversity is the Division of Diversity and Community Engagement, led by Dr. Gregory J. Vincent. Vincent came to The University of Texas at Austin in summer 2005 to fill the new position of vice provost for inclusion and cross-cultural effectiveness, created by then-President Larry R. Faulkner in response to recommendations from the university's Task Force on Racial Respect and Fairness. After Powers became president in February 2006, he promoted Vincent to the new position of vice president for diversity and community engagement.

Since arriving on campus two years ago, Vincent has hosted a series of "campus conversations" to hear concerns from students and other members of the university community. He has met with a broad range of Austin and state public officials, opinion leaders, journalists and organizations to discuss diversity and inclusion.

## A History of Diversity

Vincent arrived at the university from the University of Oregon, where he had been vice provost for institutional equity and diversity and law professor since 2003. From 2000–2003, Vincent was vice provost for academic affairs and campus diversity and law professor at Louisiana State University at Baton Rouge, where he was vice provost for campus diversity from 1999 to 2000. Earlier, he was assistant vice chancellor for academic affairs and director of the Equity and Diversity Resource Center at the University of Wisconsin-Madison. He earned his law degree at the Ohio State University College of Law and his doctorate at the University of Pennsylvania.

Today, in addition to overseeing the Division of Diversity and Community Engagement, Vincent holds joint faculty appointments in the School of Law and the College of Education, where he is the W.K. Kellogg Professor of Community College Leadership. He also is an endowed faculty fellow in the Sid W. Richardson Regents Chair in Community College Leadership.

Vincent's professorship meshes well with his duties at the Division of Diversity and Community Engagement. For example, Vincent works closely with Dr. John Roueche, director of the Community College Leadership Program in the Department of Educational Administration, on mentoring graduate students, supervising doctoral dissertations.



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conducting symposia and guest lectures, and participating in program development. He also teaches a seminar that is cross-listed in the College of Education and the School of Law.

"The Division of Diversity and Community Engagement is a successful model for integrating diversity into the core mission of a university and integrating community engagement into teaching, research and service," Vincent says. "The successful model combines both the strategic and operational responsibility for diversity and community engagement under one umbrella."

### A New Structure, A New Name

The Office of the Vice President for Diversity and Community Engagement was expanded as the Division of Diversity and Community Engagement in early 2007 to closely align the university's structure and budgets with one of its top priorities. The new division, headed by Vincent, assumed various responsibilities to help make the campus a more inviting, inclusive environment for members of the university community and for visitors. At many colleges and universities, diversity efforts are housed within small units, whereas the Division of Diversity and Community Engagement encompasses components that already existed at The University of Texas at Austin as well as ones that are new – all under one umbrella.

The university's diversity efforts initially employed six people. Now, the Division of Diversity and Community Engagement, with an annual budget of $28 million, is comprised of over 350 employees in 15 departments, several research and policy institutes and numerous initiatives and projects.

### Moving Diversity Forward

"The creation of the division itself is an achievement," Vincent says. "We are one of the most comprehensive units of our kind in higher education. That model itself is an important contribution."

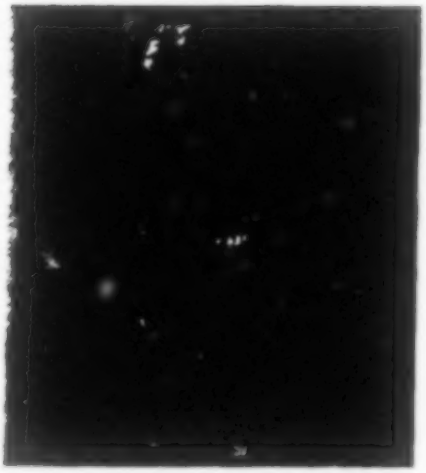
For Powers, this high level of diversity-related activities at the university is not high enough.

"While we have made progress diversifying our campus, more needs to be done. Diversity is one of my highest priorities," Powers said during his State of the University speech in 2006. ■

For more information, please visit www.utexas.edu/diversity/

SJA 177a

# New Chief of Staff, Dr. Jennifer W. Maedgen, is a dynamic force behind the scenes

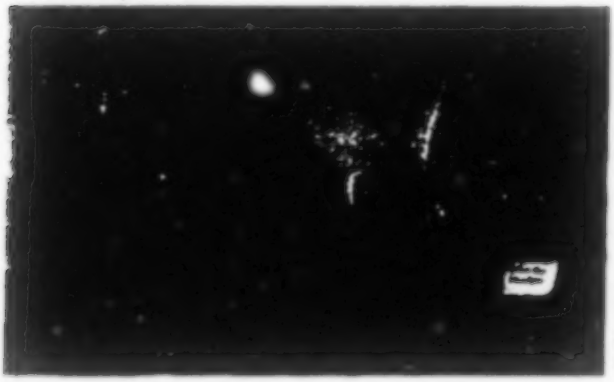


Dr. Jennifer W. Maedgen
Assistant Vice President and Chief of Staff

There's no such thing as a typical day for Dr. Jennifer Maedgen, the newly appointed assistant vice president and chief of staff for the Division of Diversity and Community Engagement.

"One of the things I like about my job is that there is a lot of diversity in what I am doing," Maedgen says. Officially she is charged with overseeing the development of the division, but on an average day, Maedgen is likely to be found helping a student resolve a disability issue on campus, working with various entities to finalize a lease on new office space in East Austin or collecting information from division department heads about their priorities for the coming year.

The departments Maedgen works with are just as diverse as her responsibilities. While she continues to oversee Services for Students with Disabilities, she also serves as a liaison to the Hogg Foundation for Mental Heath and the University Interscholastic League (UIL). A large part of her current role involves developing processes and systems for the division, including communication, business services, hiring and information technology. "We're like a start-up," Maedgen says. "While many of the departments have been in existence for years, we're building the division from the ground up. We're creating standardized systems for everything from HR to budget processes to global, division-wide policies." In developing this infrastructure, Maedgen is confident that the division can create some degree of uniformity that also allows the individual departments stylistic variability and flexibility.



Dr. King Davis, Executive Director of the Hogg Foundation for Mental Health and Dr. Maedgen

At first glance, the departments under the division's umbrella might seem to be very different, but they share many of the same goals and have a strong common thread of community engagement woven throughout their efforts. One of the departments Maedgen works with is the Hogg Foundation for Mental Health, which works to improve mental health in the state of Texas. The Hogg Foundation does much work in the community, and one of its current initiatives includes increasing access to and quality of mental health services for diverse communities. "A lot of times, people don't think of mental health as a diversity issue," says Maedgen, "but this is a very natural fit for the division and ties in well with our other efforts in community engagement."

Another area making a big impact is UIL, which coordinates athletic and scholastic competitions throughout the state of Texas. UIL has recently been working on Senate Bill 8, which requires mandatory steroid testing for high school athletes. "UIL directs a huge effort to ensure that students who want to participate can participate," Maedgen says. "It is a huge part of the community and makes a significant impact in lives across the state."

As the division moves into its second year, Maedgen looks forward to continued cross-collaboration between departments. "At the last directors meeting, we were all struck by how much potential there is for the departments to work together," Maedgen says. "For example, many of the departments engage and partner with schools – Institute of Community, University, and School Partnerships, Neighborhood Longhorns and University Outreach, just to name a few. There is so much wonderful effort within the division, and there is a lot of opportunity to combine resources and increase our impact." ●



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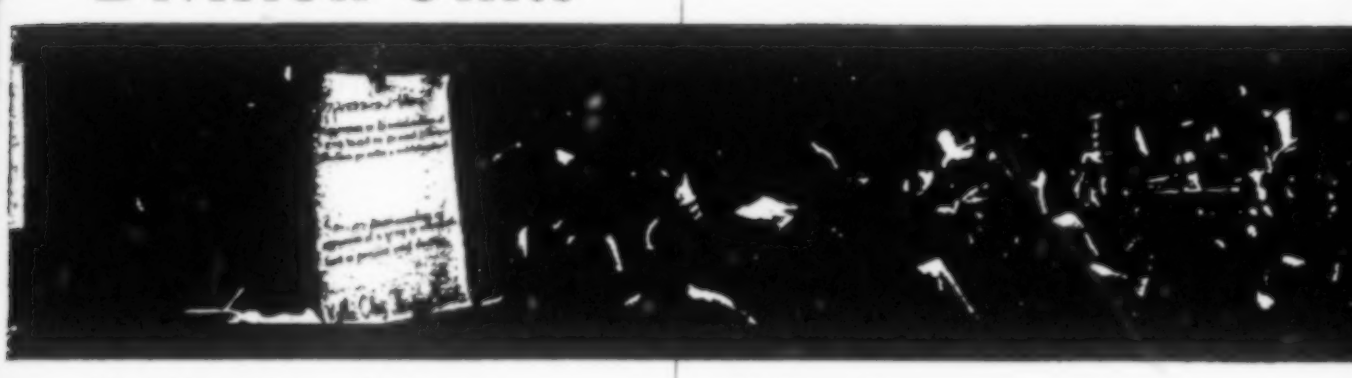
# Division Units



## The Hogg Foundation for Mental Health

For over 65 years, the Hogg Foundation for Mental Health has supported programs and services to improve the mental health of all Texans. Its current strategic priorities are integrated health care, cultural competence and workforce development. The Foundation envisions a Texas that leads the nation in promoting mental health and recovery from mental illness.

Core values guide the foundation's activities, and cultural relevance is central to all aspects of the foundation's work. The foundation's endowments are a living legacy of the Hogg family, particularly Miss Ima Hogg and her visionary commitment to the mental health of all Texans. The foundation strives to increase the amount and availability of mental health resources in Texas through its leadership in the philanthropic community.

### MISSION:

To promote improved mental health for the people of Texas through the support of effective mental health services, research, policies, and education. The Foundation works in partnership with communities, service providers, advocates, policy-makers, researchers, and educators.

### IMPACT:

- Distributes approximately $4.5 million a year to Texas nonprofit organizations through strategic grant making. Of that sum, close to $1.5 million is dedicated annually to the support of child and family mental health services in the Houston area.
- Focuses on efforts to benefit underserved populations and areas of the state.
- Operates internal programs, including mental health policy analysis and public education campaigns, to the benefit and enrichment of organizations and communities statewide.
- Routinely evaluates the impact of its grants as well as its own performance to ensure that the foundation is working effectively toward its mission.

### FIND IT:

Lake Austin Centre, 4th Floor, 3001 Lake Austin Blvd., Austin Texas, 78703
www.hogg.utexas.edu
(512) 471-5041

## University Interscholastic League

Perhaps best known for its sponsorship of district, regional and state tournaments and meets for athletic, music, drama and academic contests, the University Interscholastic League (UIL) was created by The University of Texas at Austin in 1909. The UIL has grown into the largest inter-school organization of its kind in the world, and one of every two high school seniors in Texas has participated in a UIL event prior to graduation.

### MISSION:

To organize and properly supervise contests that prepare students for citizenship. The UIL provides healthy, character building educational activities carried out under rules providing for good sportsmanship and fair play for all participants.

### IMPACT:

- Provides students with educational experiences through competition.
- Promotes good sportsmanship and cooperation among member schools.
- Works to prevent exploitation of students by special interest groups.
- Publishes the monthly Leaguer newspaper, sent to sponsors and administrators of all member schools, UIL adjudicators and officials and interested news media in Texas.
- Provides the use of speech videotapes and athletic tournament and rules films through the UT Austin Film Library and the National Federation of State High School Associations.
- Works closely with associations to provide better officiating and adjudication for UIL contests.
- Seeks to safeguard the health and welfare of students by requiring physical examinations for participation in athletics.
- Seeks to keep awards for achievement on a sensible basis by restricting the cost and type.
- Provides drama teachers with an extensive Drama Loan Library of more than 26,000 plays.
- Sponsors the Interscholastic League Press Conference.
- Administers the Texas Interscholastic League Foundation, which in 2006-2007 disbursed $1,181,575 in scholarship funds to 623 students attending 62 colleges and universities in Texas.

### FIND IT:

1701 Manor Road, Austin, Texas, 78722
www.uil.utexas.edu
(512) 471-5883



SJA 179a

# Division Department

## Services *for* Students *with* Disabilities

Services for Students with Disabilities provides assistance to students with a variety of disabilities, including those who are deaf and hard of hearing and those with Attention Deficit Hyperactivity Disorder, learning or psychological disabilities, traumatic brain injuries, visual or mobility impairments, temporary disabilities, and other chronic medical disabilities.

### MISSION

Based in the philosophy that all students should be assured equal access and opportunity, Services for Students with Disabilities works to eliminate physical, instructional and attitudinal barriers by providing reasonable accommodations and fostering awareness within the university community.

### IMPACT

- Provides a variety of services for eligible students who register with the department, including:
  - Alternative Text
  - Adaptive Testing
  - Assistive Technology Information
  - Sign Language Interpreters
  - Communication Access Realtime Translation (CART)
  - Voter Registration
- Trains students in assistive technology via the ATEC lab.
- Serves as a resource for scholarships available to students with disabilities.
- Offers either online or downloadable forms needed for documentation guidelines and interpreter/captioning requests by students.

### FIND IT

4.104 Student Services Building
M-F 8-5 p.m.
www.utexas.edu/diversity/ddce/ssd
(512) 471-6259
Video Phone: (866) 327-8877
then (512) 232-2937

## Staff Spotlight

Left to right: Dr. Ge Chen, Dr. Sherri Souders, Ms. Martha Oestreich

**Dr. Ge Chen**

Dr. Ge Chen leads the [illegible] assessment initiatives to ensure and enhance the consistency, rigor, effectiveness, and documentation of assessment processes in the division. This includes but is not limited to developing and establishing assessment plans for the reporting component as to achieve and report effectiveness and excellence, assisting in identifying and establishing goals and objectives for [illegible] student learning, researching and developing programs of assessment, and reports for changes and improvement, development and implementing training and professional development opportunities on assessment, and providing resources to support assessment related activities and efforts. She previously served as the Assistant Dean of Students in the area of Academic Enrichment Services (AES) in the Office of the Dean of Students at UT Austin since 2003, where she directed seven academic service programs geared towards facilitating the growth, achievement and retention of underrepresented college students. Born in China and an immigrant to United States in the late 1980s, Dr. Chen has taught and administered higher education across two countries for over two decades. She co-founded and currently serves as president for the Asian and Asian American Faculty and Staff Association at the University of Texas at Austin. She earned her bachelor of arts degree from Luoyang Normal University in Luoyang, China, and her master's degree and doctorate from the University of Arkansas College of Education, Fayetteville, Arkansas.

**Dr. Sherri L. Souders**

As a member of the DDCE staff, the responsibilities of Dr. Sherri L. Souders span across the division and the university as well as into the community. Dr. Souders serves as the primary point person in the development of [illegible] implementation of the institutional strategic plan, along with the [illegible] of the division's [illegible] goals. In addition, she serves as the DDCE representative and provides assistance as a member of overall management teams, including the UT Elementary School, Communities in Schools, El Alianza, Texas Higher Opportunity Project and Seeking Success. In January 2008, she assumed a key role in the continued implementation of the Texas Fund for Excellence grant program Grant through the Department of Education and the Texas High School Project (THSP) through Communities Foundation of Texas. She also serves as a primary analyst and developer, playing key roles in gender equity issues and programs, and [illegible] members of the division's team of graduate [illegible] assistants. Prior to her current role, Dr. Souders was the Austin Jordan Statue Project. Formerly, she serves as full time [illegible] associate professor in the Department of Educational Administration where she teaches a graduate-level course on student development theory. Dr. Souders began her tenure at the University of Texas at Austin in 1988 and has served in a variety of positions in the Office of the Dean of Students including assistant to the dean, associate dean, and associate dean. Dr. Souders received her Ph.D. from the University of Texas at Austin, her master's degree from Bowling Green State University, and her bachelor's degree from Louisiana State University.

**Ms. Martha L. Oestreich**

Martha L. Oestreich provides strategic direction and oversees the development operations for the division. Additionally, she designs and [illegible] strategies utilized in the solicitation of funds from individuals, corporations, and foundations. Her list of accomplishments includes fifteen years of sales and marketing with IBM and eleven years of development and fundraising experience in the nonprofit sector. Ms. Oestreich served as the director of development for the Lady Bird Johnson Wildflower Center and was the founding executive director of the San Antonio River Foundation. She serves as the chair of the board of Equality Texas and was the board secretary for the Association of Fund Raising Professionals. In 2005, Ms. Oestreich founded the San Antonio Alliance for Sexual Justice, a group dedicated to inclusion and diversity. She has developed and conducted numerous workshops with over thirty nonprofit organizations throughout Texas. Ms. Oestreich earned her executive masters of business administration degree from the University of Texas at San Antonio, her masters of arts degree from St. Mary's University, and her bachelor of arts degree in Sociology from Texas Lutheran University.



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## Campus Fusion

Campus Fusion was founded in the summer of 2003 as a joint ventur[illegible]ween Student Government and the Multicultural Information Center. The idea for Campus Fusion was based on President Clinton's "One America" Initiative on Race, which spurred the "Week of Dialogue" for college campuses across the nation. Campus Fusion became a week-long series of events featuring guest speakers, arts events, campus town hall meetings and socially conscious performers. With the formation of the Division of Diversity and Community Engagement in 2006, Campus Fusion found a new home within the fabric of the institution. Together with the resilience of student leadership from the Multicultural Information Center and Student Government and an administrative home in the division, Campus Fusion exists as a testament of the university's commitment to diversity. The 2007 event drew more than 2,000 students and featured nationally known speakers and performers.

The 2008 Campus Fusion "Week of Dialogue," will be conducted in October 2008

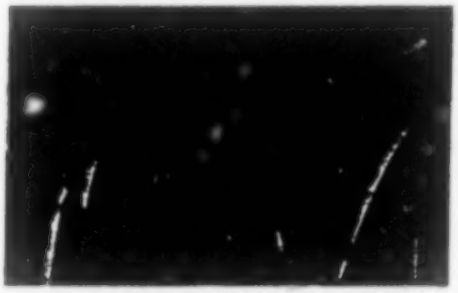
(left to right) Dr. Gregory J. Vincent, Deb Duval, Jordan Smith, and Ms. Jackie Joyner Kersee at the 2007 awards ceremony. Jordan Smith, Fort Worth junior, won the 1st place scholarship for $2,500.

## Barbara Jordan Historical Essay Competition

Since its inception in 1995, the Barbara Jordan Historical Essay Competition has awarded over $70,000 in college scholarships to Texas high school students. Last year, over 200 students entered the competition, focusing on the theme of African Americans in Texas: Past and Present. Conducted as a statewide competition, high school students research and write about the influence and contributions of African Americans in Texas, a historically under-represented area of documentation. In this unique competition, students gather information about individuals and historical events through interviews with relatives, friends and community leaders. Such personal interactions offer students an opportunity to document invaluable knowledge directly from witnesses of history. Essays are judged in 10 geographical regions, resulting in 30 essays selected for the state competition. Winners receive $2,500 for the first place essay; $1,500 for the second place essay and $1,000 for the third place essay. Students may use the scholarships at the college or university of their choice.

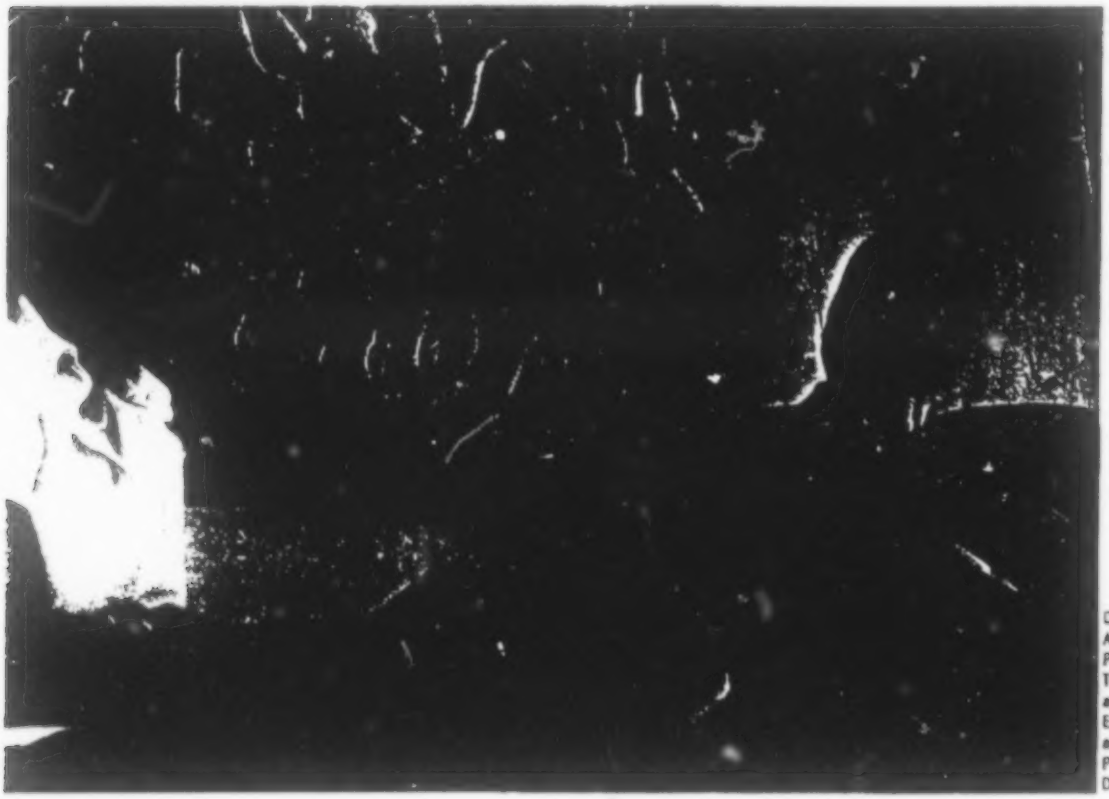
## Roundtable Discussions

The division's Roundtable Discussions began shortly after Dr. Gregory J. Vincent came on board in 2005. As facilitator, Vincent has served as a subject matter expert and internal consultant to the campus on issues of diversity and inclusion. Topics including campus climate, bridging diversity gaps, and faculty and student recruitment were discussed in an inviting, informal setting. Roundtable discussions were hosted in several different venues, both as open sessions for the student body at large, and also in various departments and centers including Student Government, the Gender and Sexuality Center and the Multicultural Information Center. The sessions have had a strong turnout and have been very well-received by those in attendance.



Dean Randy Diehl, College of Liberal Arts, and DDCE Vice President Gregory J. Vincent at the fall 2007 Roundtable.

# Intellectual diversity: Thematic hiring finds the best people for the job



Dr. Ted Gordon, Associate Vice President for Thematic Initiatives and Community Engagement (right) and Choquette Peterson, Director (left)

When Dr. Ted Gordon was deciding whether to accept a tenured-track position in the Department of Anthropology at The University of Texas at Austin, his main concern was being the only African American faculty member in the department. "I did indeed take the position on the condition that the department would actively seek to hire another faculty member of color," Gordon said. This was in 1988, and since then, much has changed. In fact, the department has become significantly more diverse, both in terms of faculty and graduate students.

Gordon recently was promoted to associate vice president for thematic initiatives and community engagement. "Our short-term goal is to expand the thematic hiring process into different areas," says Gordon. These areas include African and African American Studies, Mexican and Mexican American Studies, Asian and Asian American Studies, and Women and Gender Studies, among others. "It is important as well to look at diversifying the hard sciences more in terms of gender and ethnicity," he reports. He sees an "environmental justice" theme as a potentially effective means to diversify the sciences.



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"This will diversify our intellectual community and strengthen the university as a whole."

### Find the experts, find diversity

Soon after Gordon's arrival at the university, he began consulting with others to develop a strategy to attract more faculty from historically underrepresented groups. "We had to come up with a strategy because people of color, particularly African Americans, were reluctant to apply here based on preconceived notions of Texas and the South in general," said Gordon. After reviewing areas of scholarship that were underdeveloped at the university, Gordon and other concerned faculty decided to take steps to fill these intellectual gaps. A thematic hiring program was initiated to actively seek scholars who specialized in the African Diaspora. "The thematic program became of political and intellectual interest to scholars and graduate students throughout the country. It has really flourished," says Gordon.

He emphasized this process is not based on race but rather on expertise in a particular thematic area. "The job announcements placed were based on a particular area of focus, with the African Diaspora being one thematic section. We found that there were a significant number of qualified candidates from underrepresented groups," says Gordon. "Thematic focus is effective because diversity is not just about skin color. It is about intellectual interests and academic expertise. In the end, you want a university that is not only diverse racially and ethnically but also intellectually." Gordon's efforts have helped diversify the university, and at the same time created and fostered a vibrant intellectual community.

### Expanding the program

In 2000, Gordon became the director of the Center for African and African American Studies (CAAAS). The center sought to partner with various departments, including history, English, sociology, and government, to hire faculty with research interests in the African Diaspora. As a result, The University of Texas at Austin has one of the most comprehensive centers for African and African American studies in the nation. Its continued success and growth also is attributed to the fact that the center is widely known and attracts scholars from across the country. Additionally, CAAAS has partnered with the dean of the College of Liberal Arts and the provost to help make student and faculty ratios more balanced.

### Progress now and in the future

Since 2005, there have been approximately 30 faculty hires based on the initiative, with another eight planned for the 2007-08 academic year. Hires have been made in the School of Architecture, African American Art and Art History, Special Education, Asian American Studies, History, and Mexican American Studies.

In order to be effective in implementing a more comprehensive thematic hiring process, Dr. Gordon believes it is imperative that the division do the research to see what is out there in terms of cutting-edge research and scholarship. "Knowing what is innovative in regards to scholarship is definitely part of our strategy," he says.

Equally important is mobilizing various academic networks, including collaborating with various colleges and academic units. Working with the deans also is very significant to identifying those departments and schools where thematic hires would be most effective. Gordon is optimistic about the future of the program, saying, "The creation of the division and its resources will be a huge factor in our successful implementation of thematic hiring and its expansion into different areas."

### Success via critical mass

The notion of creating a "critical mass" of scholars in a particular thematic cluster is essential for the strategy to be successful. "The thematic process doesn't work unless there is a commitment to creating a critical mass. Otherwise, there is not the concentration necessary to make it successful," says Gordon.

Dr. Gregory Vincent, vice president for the division, agrees with this notion. "The division is committed to recruiting and hiring faculty that will continue to diversify the university community," he said. Vincent also conveyed that retaining and promoting strong faculty is a high priority.

Dr. Gordon emphasized that thematic hiring is absolutely not about tokenism. In fact, he believes it is the polar opposite, stating, "It is about creating a critical mass and a thematic focus. This will diversify our intellectual community and strengthen the university as a whole." ●

# Division Departments

## *The* Volunteer *and* Service Learning Center

The Volunteer and Service Learning Center provides volunteer opportunities for students at The University of Texas at Austin. The center serves the needs of the community while enriching the lives of participants. Volunteering is one of the most effective ways for students to apply philosophies, skills, and theories learned in class. Following the university's core purpose, the center serves "to transform lives for the benefit of society" through leadership and service.

### MISSION:

To promote, organize, facilitate, support and reflect on community service for the The University of Texas at Austin community, especially students.

### IMPACT:

- Recruits over 8,000 student volunteers each year.
- Focuses on students' cognitive, moral, ethical, social and democratic development through service activities.
- Strengthens healthy relationships between students and their communities.
- Facilitates the Student Volunteer Board, The Project Service Event, and student organizations that promote and coordinate community engagement activities and events for the whole campus, and provide students opportunities to make a difference in the community.
- Provides resources and logistical support for students interested or enrolled in service-learning courses, for faculty currently teaching or desiring to teach a service-learning course, and for community agencies interested in partnering with UT faculty and service-learning students.

## A Beautiful Partnership

**One example of a successful program is the partnership with Keep Austin Beautiful. Since 1999, more than 9,000 student volunteers have provided more than 38,000 hours working in four Austin neighborhoods. In the first five years of the event, students have painted or landscaped more than 70 local homes, five schools, two community centers, and a public housing complex, among other sites.**

### FIND IT:

Student Services Building 4.400
100 West Dean Keeton Street Austin, TX 78722
www.utexas.edu/diversity/ddce/vslc/
(512) 471-6161

## Regional Foundation Library

For over 45 years, the Regional Foundation Library has served individuals and organizations in need of educational or special project funding. Its patrons include representatives of nonprofit programs and services, educational entities, charitable organizations, faith-based programs, and governmental entities, as well as individuals. The library opened its doors in 1962, making it the fifth Cooperating Collection in the Foundation Center's national network. It contains core publications from the Foundation Center as well as other major materials in fund development, grants and nonprofit management. The library is open to everyone, free of charge.

### MISSION:

To provide comprehensive education and resources to all individuals and organizations involved in grant-making, grant-seeking and funding development.

### IMPACT:

- Promotes the highest standards in philanthropy by serving as a bridge between the grant-seeking and the grant-making communities.
- Offers in-depth personal assistance, orientations and community workshops to enhance access to their vast collections.
- Provides a full range of print materials and a growing number of electronic resources.
- Information and resources are accessible to all community members.

## Community Outreach

**The Regional Foundation Library offers orientations to the collection, information sessions on funding research, classes on K-postgraduate educational funding, and local community workshops. These are available throughout the year, on demand.**

### FIND IT:

3001 Lake Austin Blvd., 4th Floor, Austin, TX 78703-4200
www.utexas.edu/diversity/ddce/rfl/
(512) 475-7373



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# The Intellectual Entrepreneurship Pre-Graduate School Internship

Dr. Richard Cherwitz

The Intellectual Entrepreneurship Pre-Graduate School Internship offers students an opportunity to discover their passions and professional aspirations and to have greater ownership of their education. The Pre-Graduate School Internship program is one of the Intellectual Entrepreneurship Consortium initiatives that began from a philosophy geared toward increasing students' awareness of the value of academic work done in and across disciplines and enabling them greater voice in and accountability for their education.

Founder and Director Dr. Richard Cherwitz discovered that, because of its ability to demystify graduate education and help students see how advanced study enables them to contribute to their communities, the consortium had unintended yet very significant consequences for two important populations: underrepresented students of color and first-generation college students.

"The consortium moves the mission of institutions of higher learning from 'advancing the frontiers of knowledge' and 'preparing tomorrow's leaders' to also 'serving as engines of economic, social, political and cultural development,'" Dr. Cherwitz says. "It is a philosophy and vision of education viewing academics as innovators and agents of change; it shifts the model and metaphor of higher education from one of 'apprenticeship-certification-entitlement' to one of 'discovery-ownership-accountability.'"

The internship, best thought of as an "entrepreneurial incubator," brings students into the graduate school pipeline and helps them select an appropriate field of study. Collaborating with graduate student mentors and faculty supervisors, internship students tailor education to fit their personal, academic and professional interests—a truly transformative approach to education.

Since the program was piloted in 2003-2004, over 200 students have participated in the Pre-Graduate School Internship. Almost half of them are first-generation or underrepresented students of color. In spring 2007, 70 interns were enrolled—and this fall nearly 90 interns will participate. All receive academic credit. Assisting them in 2006-2007 were more than 60 faculty members and 80-plus graduate students. Involvement in the program represents all colleges and schools and more than 30 academic departments.

Over and above "educating citizen-scholars," long-term goals of the cross-disciplinary Consortium include increasing faculty diversity by expanding the number of underrepresented groups who attend and complete graduate school; instigating learning across disciplinary boundaries; generating collaborations between the academy and community to help solve some of society's most challenging problems; and reducing attrition and time to degree through more authentic student decision-making.

For more information, please visit [illegible]

# Institute for Community, University, and School Partnerships

The Institute for Community, University and School Partnerships, directed by Dr. Kevin Foster, assistant professor in the Department of Curriculum and Instruction, is a faculty- and student-based collaborative and action research center.

The institute applies social, cultural, and educational theories to school and community programs, and builds community partnerships to increase student achievement and college-readiness of students who typically would not consider college as a viable option.

The institute's first major project is a collaboration with the Austin-based Community of Brothers in Revolutionary Alliance (COBRA) to promote academic motivation and achievement in students who have been at risk of dropping out of school. Started in 2006 by Foster and Hill High School Principal Patrick Patterson, the program introduces high school students to the university and to businesses and successful role models and mentors in the current school year. The institute is expanding the program in the Austin Independent School District to include Reagan, Pearce and Webb middle schools and Reagan, McCallum and Travis high schools. In all, the institute plans to expand to 12 chapters on 10 campuses, with the high school chapters called COBRA and the middle school chapters called Young Knights.

Other initiatives include:

- A lecture series for advanced educational practitioners.
- A graduate research internship that connects university students to local schools and students.

While the university is a significant intellectual resource for teaching and learning initiatives across the region and state, Foster believes that the work is mutually beneficial. "Community organizations and schools have a great deal to teach us as well," added Foster. "The institute will only be effective if it is collaborative in both philosophy and in daily action."



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# Special Projects and Events

## Lecture Series

By bringing in top-notch speakers from across the nation, the division Lecture Series was created by Dr. Vincent as a way to inform and enrich both the campus and entire Austin community. Some examples of speaker events include:

- Dr. Seema Kapani, of the University of Wisconsin at Madison, facilitated programs focusing on equity and diversity issues, and shared aspects of best practices during the two-day lecture.
- Dr. Hanes Walton Jr., University of Michigan, is among the nation's most distinguished political scientists. His lecture on African American Senatorial Candidates throughout history was especially timely given the interesting senatorial races involving African Americans that were occurring at the time of his visit.
- Dr. Leonard Moore, then Louisiana State University professor and now university professor and assistant vice president, led an honest dialogue about race and popular culture. His candid discussion on racial caricatures and stereotypes was effective and well received by the university community.
- Dr. Mia Tuan, University of Oregon, gave an informative lecture on Asian transracial adoption. Her extensive knowledge on this topic provided the audience with a better understanding of transracial adoption.
- Women in senior levels of administration at the university shared their path to leadership.

## The Heman Sweatt Symposium on Civil Rights

Since 1987, the Heman Sweatt Symposium on Civil Rights has been presented annually each spring. Free public events are organized by the university students, faculty and staff. The symposium honors Heman Sweatt, the first African American admitted to The University of Texas at Austin Law School. Sweatt applied for admission to the law school in 1946, but was denied admission on the basis of race. With assistance from the NAACP, he brought successful legal action against the university to be admitted to the law school, providing the legal precedent for desegregation. Examples of past symposium themes and speakers have included:

- From Sweatt to Hopwood to Success: Solutions for Creating a Diverse University
  Keynote: The Honorable Wilhelmina Delco
- The Role of Art and Artists in the Struggle
  Keynote: Nikki Giovanni
- The New Civil Rights: Fifty Years After The Sweatt Decision
  Keynote: Dick Gregory
- Capital Punishment in Texas: Is Justice Served?
  Keynote: John Artis
- Reparations: Does America Owe African Americans a Debt?
  Keynote: Johnny Cochran
- Progression versus Regression:
  The State of the African American Community
  Keynote: Ed Gordon, Host of BET Tonight

For more information, please visit
www.utexas.edu/events/hemansweatt/



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# Institutional Equity seeks proactive measures to ensure equity in the workforce and community environment

Equal Opportunity Services (EOS) ensures the fulfillment of the intent and spirit of equal opportunity laws. Among a host of services, EOS investigates allegations, seeks equitable resolutions to complaints, provides confidential counseling, offers resources, and serves as a liaison with community action organizations and agencies.

Ms. Linda Millstone, Associate Vice President for Institutional Equity and Workforce Diversity

Although her job often requires her to respond to allegations of discrimination and harassment, Linda Millatone, associate vice president of institutional equity and workforce diversity, makes every effort to avoid situations that can escalate whenever possible. "My primary goal is to create an environment where people can talk and resolve their differences before the issue becomes adversarial and polarizing. If we simply wait for the complaint, it is too late and we have missed an opportunity to be proactive," says Millstone.

EOS has the responsibility of considering all existing and emerging equality legislation and therefore is a vital component to the Division of Diversity and Community Engagement's strategic planning initiatives. Simply put, it keeps the university in compliance with federal regulations.

There are several laws that prohibit discrimination in the workplace, with the most prominent being Title VII of the Civil Rights Act of 1964. This statute forbids discrimination in all areas of the employer-employee relationship, from advertisement for new employees through termination or retirement, on the basis of race, color, sex (including pregnancy and sexual harassment), religion, and national origin. The Americans with Disabilities Act of 1990 is also significant because it requires the university to provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship and to prohibit discrimination on the basis of disability. The university's nondiscrimination policy also includes a prohibition on discrimination based on age and sexual orientation.

"As a major employer and a federal contractor, we have legal obligations to maintain learning and working environments that are free from impermissible discrimination and are accommodating to all members of the campus community," says Millstone. Diversity carries a compliance component, which has long been established based on legislative and judicial action. EOS serves as the unit authorized by the president to handle complaints of discrimination and harassment. "While it is critical to resolve these complaints and ensure the environment is respectful and free from discrimination, complaints present an opportunity for self-examination," she added.

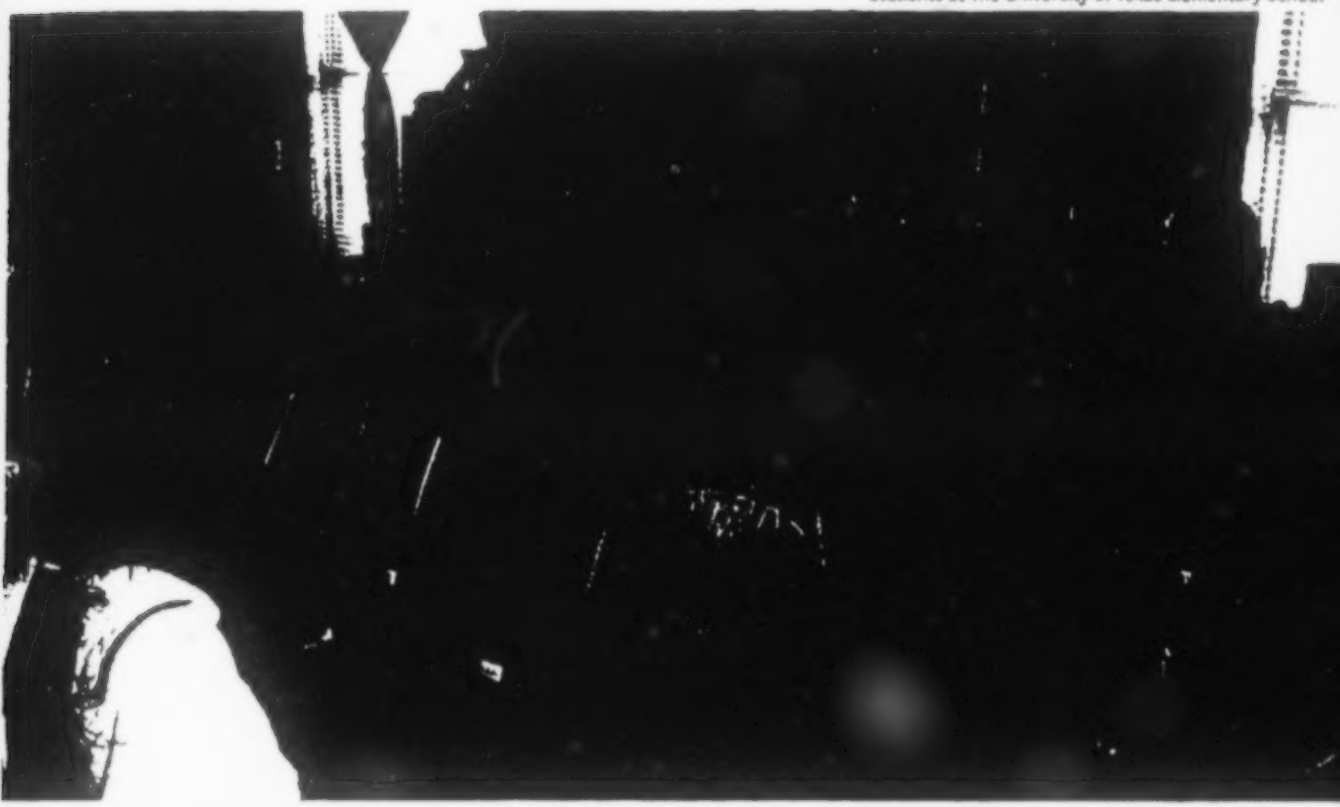
This past April, the university hosted the American Association for Affirmative Action's 33rd annual conference, "Diversity and Affirmative Action: Where Do They Meet." The conference featured outstanding diversity and civil rights specialists and offered training on initiatives to bridge the opportunity gaps in the workplace. The symposium participants also discussed strategies to promote affirmative action in the face of legal and legislative efforts to end it. In recent years, affirmative action has been challenged at top universities across the country, most notably at the University of Michigan. "This conference was extremely beneficial and we are exploring ways to incorporate some of the innovative strategies discussed," says Millstone.

Millstone, a university employee for over 30 years, has seen many positive changes occur over the years, including greater diversity and more individuals from historically underrepresented groups occupying high-level positions on campus. "The creation of the Division of Diversity and Community Engagement demonstrates our university's commitment to diversity and will provide resources that will strengthen the university's ability to attract the best faculty and staff," says Associate Vice President Millstone. ●



SJA 187a

Students at The University of Texas Elementary School



# Texas Center for Education Policy makes its mark

The Texas Center for Education Policy, part of the Division of Diversity and Community Engagement at The University of Texas at Austin, is only a year old but already has matured into a respected authority on education, from pre-kindergarten through college.

### A Resource for the Legislature

During Texas lawmakers' 2007 session, the center helped craft a successful $120 million legislative package designed to sharply reduce the state's high school dropout rate and expand support networks for at-risk students. Under the legislation, a pilot program will finance student-club activities for school children who are at risk of dropping out. Every year, an estimated 120,000 students drop out of Texas schools.

The center, which promotes equity and excellence at all levels of education, was asked to assist with the legislation after about 50 lawmakers attended a dropout prevention conference co-sponsored by the center. Dr. Angela Valenzuela, director of the center, associate vice president for the Division of Diversity and Community Engagement, and professor in the Department of Curriculum and Instruction in the College of Education, says she hopes Texas lawmakers will continue to turn to the center for expertise on education policy.

"The Legislature has expressed a desire for thoughtful analyses of research and intelligent guidance and input as they review proposed legislation," Valenzuela says. "It's very gratifying to know that they see the center as a resource for that analysis and guidance."



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# "This is a great example of community engagement: connecting the resources of the university to the needs of the community."

### Helping Across the Community

Others are turning to the center for analysis and guidance as well:

- The center convened a November 2006 gathering on college readiness. Education leaders from throughout Texas assembled to discuss the crises and policies regarding students' under-preparedness for higher education.
- The center hosted the K-12 Arts Education Summit in April 2007.
- Last fall, the center, in collaboration with the College of Education, joined an effort spearheaded by Dr. Gary Orfield, co-founder of Harvard University's Civil Rights Project, to study the impact of race-conscious policies and their alternatives.
- In spring 2008, the center will bring together Texas health policy experts to discuss some of the myriad health issues affecting the state's schoolchildren.

"We want to tackle difficult issues like distributing education funds more equitably and reducing teacher and principal attrition rates," says former state Senator Carlos Truan, a member of the center's advisory board. "This can be done, we believe, by drawing on the best research available, tapping into the best minds on education-related issues and sharing our conclusions and findings with policymakers."

### An Advocate for Education

Over the years, a number of people had envisioned a university-wide education policy center. Among them were College of Education professors Dr. Alba Ortiz, Dr. Pedro Reyes, Dr. Jay Scribner, and School of Law Professor Gerald Torres, College of Education Dean Manuel Justiz and University of Texas System Chancellor Mark Yudof. Anne Mauzy and her husband, the late Texas Supreme Court Justice Oscar Mauzy, shared that vision. In 2002, two years after the judge's death, the Oscar and Anne Mauzy Endowment for Educational Policy Studies and Research was established at The University of Texas at Austin.

"We talked about what the needs were around here before we decided where we wanted to put our money when we died, and this is what we decided on," Anne Mauzy, now a member of the center's advisory board, told the university's student newspaper, the Daily Texan. "There were a lot of policy questions that we needed answers to."

### A Leader at the Helm

In 2005, the University of Georgia tried to recruit Valenzuela as director of an education policy center that would focus on bringing Mexican immigrants into higher education. The University of Texas at Austin countered with an offer that included establishment of a university-wide policy center to advance research-based policies that promote equity and excellence in public elementary, secondary and higher education. With Valenzuela at the helm, the university's center opened in 2006.

Dr. Angela Valenzuela, Associate Vice President for School Partnerships

Valenzuela, an expert on academic achievement among Latino youth, was recently awarded a Fulbright scholarship that will enable her to travel to Mexico to study how Mexican and U.S. institutions can work to expand human rights, particularly educational opportunities, to immigrants in the United States. Dr. Pedro Reyes, professor of educational administration, will serve as interim director during her absence.

Dr. Gregory Vincent, vice president of the Division of Diversity and Community Engagement, says, "The Texas Center for Educational Policy is a great example of community engagement and fulfills one of our strategic initiatives to connect the intellectual resources of the university to the needs of the communities it serves." ●

Students in the Neighborhood Longhorns Program celebrate their academic success

# From high school to higher education:

## pre-college programs help students find their way

If you think of students at The University of Texas at Austin as age 18 to 22, think again. The university fulfills the mission of its name, from universitas, or "the whole world," by engaging students of all ages and backgrounds across the state. Under the aegis of the Division of Diversity and Community Engagement many successful outreach programs are under way.

Among issues addressed by the division, pre-college youth development and student diversity initiatives are a major emphasis. "We must connect our intellectual resources to communities across Texas and offer education to those who may face the greatest challenges to accessing it," says Dr. Gregory J. Vincent, vice president for diversity and community engagement. "We are dedicated to the educational development of a diverse population that will foster humanity and the economy."

### Helping those who need it most

Many division programs are designed to help first-generation and low-income students prepare for university-level academic work to assist them in graduating from high school and subsequently succeeding at an institution of higher education. The pre-college youth development and student diversity initiatives portfolio serves as an umbrella for a group of programs that offer a continuum of services from elementary school through graduate school designed to help first-generation and low-income students prepare for university-level academic work, successfully transition to the university campus, and find support systems that allow them to succeed academically.

Partnering with target schools across the state, the primary focus is increasing math, science and reading skills as well as mentoring, tutoring and personal growth with the expressed goal of students graduating from high school and then college. Parents and community leaders are also involved to reinforce the success of services.

### A passionate leader

Leading the effort is Dr. Wanda L. Nelson, associate vice president for pre-college youth development programs and student diversity initiatives. "We want youth not only to excel in school, but also to ignite their love of learning and eventually guide them to higher education," she says. "It is crucial that college access information is available to those who need it most."

Dr. Nelson has worked in the field of education for 35 years. In 1989, she joined the university in the position of Assistant Dean of Students for Retention Services, then served as an Associate Dean of Students, and was then promoted to Assistant Vice President and Executive Director of the University Outreach Centers. Her passion has established and nurtured many successful programs that increased the number of underrepresented students in the pipeline for post-secondary education.

### Reaching out to underrepresented students

The University Outreach Center (UOC) is one model of success in increasing graduation rates for underrepresented students. The five-year college preparatory program is offered to students in grades 8 to 12 through five centers targeting 57 schools across the state.

"A road to success or a road to nowhere were two of the options many of my peers and I faced when we were growing up," says Ismael H. Rodriguez, Jr., who

Dr. Wanda L. Nelson, Associate Vice President for Pre-College Youth Development and Student Diversity Initiatives



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received a degree from the University of Texas at San Antonio five years ago, and a graduate of the UTSC. Rodriguez attributes a large measure of his success to the services he received through the center.

The center has assisted thousands of students who may not have considered college as a viable option. According to statistics provided by the Texas Higher Education Coordinating Board, 100% of the center's 2007 seniors graduated from high school compared to 84% statewide. Nearly 84% enrolled in an institution of higher education and 96% of these enrolled in a Texas college or university.

The Houston center this year touted five valedictorians in five of its six target high schools. Lewis Forero, valedictorian at Jones High School, now attends West Point Military Academy. "The center taught me how to deal with the transition from high school to college and what to expect in college," he says. His center director, Kenya White, concurs. "I believe any student can attend college if given the information about the college planning process and if someone is there supporting and guiding them along that way," she says.

Two more Houston seniors each received $20,000 scholarships to The University of Texas at Austin because they excelled in the program for its full five-year course. Irwin Cortez and Brittany Cook both chose the university after visits that were part of their center experiences.

The center conducts workshops during non-school hours to focus on student skills enhancement or clarify new information, with parents included in the process. Students also participate in a summer four-week academic skills enhancement session following completion of grade 8. After reviewing courses in math and science, instruction in reading and public speaking, and field trips to businesses, students compete in an "Academic Challenge" similar to a traditional college bowl during an overnight visit to the university.

Visits to colleges and universities are also an inspirational and necessary part of the process. Center staff accompany students to help them navigate the process of finding the college that is the best fit for them. "It's great if the students in our pre-college programs choose to come to our campus, but we are happy when they pursue higher education at whatever school is selected," says Dr. Nelson. ●

*For more information, please visit*

## Programs in the Pre-College Youth Development and Student Diversity Initiatives portfolio include:

- **ChemBridge**
  offers a web-based community program designed to motivate college-level science courses to prepare students for careers in the health sciences. [illegible] and is a collaboration between the University of Texas Health Science Center, UTSC, and participating high schools at the district level.
- **Students Partnering for Undergraduate Rhetoric Success**
  [illegible] college-level curriculum to [illegible] and writing skills for college-level courses in both English and Spanish. [illegible] and encourages them to stay in school through the end of [illegible].

**Office of Assistant Vice President for Pre-College Youth Development and Student Diversity Initiatives**
**Directed by Dr. Leonard Moore, Assistant Vice President and Executive Director – Longhorn Center for Academic Excellence**

- **Longhorn Center for Academic Excellence: Gateway Scholars – Michelle Monk, Director**
  [illegible] the academic and personal success of first-generation and historically underrepresented students, and includes the [illegible] Program, Faculty/Staff Mentors, Hispanic Outlook Welcome Program, and Prosem.
- **Longhorn Center for Academic Excellence: TRIO Programs – Michael Rava, Director**
  [illegible] for academic achievement [illegible] students with basic college requirements, and serves [illegible] students based on the success of their participation in the pre-collegiate [illegible] and includes the Longhorn Link Program, and the Math Scholar Institute.
- **Neighborhood Longhorns Program – Celina Ruiz-Saunders, Director**
  [illegible] students [illegible] in the [illegible] community [illegible] operated in partnership with the Austin Independent School District [illegible] elementary schools and is the [illegible] of the [illegible].
- **University Outreach Centers – Kenya White, Executive Director**
  [illegible] underrepresented students [illegible] grades 8–12 toward [illegible] the college of their choice, graduate with a high school diploma, complete college admissions and financial aid applications, and enroll in some form of higher education.

**Office of Assistant Vice President for Diversity Education Initiatives**
**Directed by Dr. Michele R. Guzman, Assistant Vice President**

- **Diversity Education Institute – Dr. Michele R. Guzman (Interim Director)**
  [illegible] promotes learning that critically examines multiple identities and perspectives in order to foster a [illegible] of and respect for the diversity [illegible] and [illegible] communities and institutions in partnership with the School of Social Work at the University of Texas at Austin.
- **Gender and Sexuality Center – Rachel Rosal, Director**
  [illegible] provides a safe space for all members of the diverse community to explore, organize, and promote learning around issues of gender and sexuality, and supports the needs of women and the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community through education, outreach and advocacy.
- **Multicultural Information Center – Brenda Burt, Director**
  [illegible] develops and prepares students for the multicultural society of today and the future by providing diverse [illegible] opportunities and support services for all students.



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# Talking with Dr. Leonard Moore:

## Pre-College Youth Development

"Developing the premier K-16 student recruitment and retention program is the most critical goal that will guide the direction and work of our portfolio," according to Dr. Leonard Moore, the newly appointed Assistant Vice President for Pre-College Youth Development and Student Diversity Initiatives.

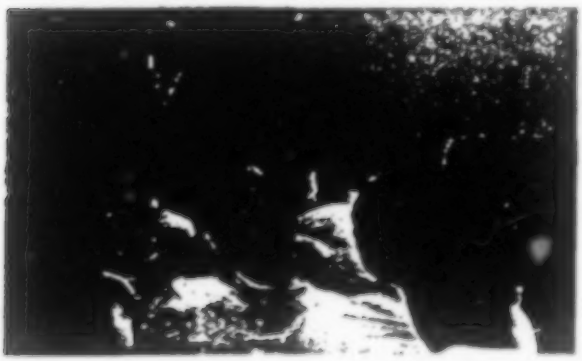
photo by Marsha Miller

Dr. Leonard Moore, Assistant Vice President and Executive Director for the Longhorn Center for Academic Excellence

Dr. Moore supervises the division's K-16 programs that are housed on campus and across the state, and include the University Outreach Centers, Neighborhood Longhorns Program, Longhorn Center for Academic Excellence, TRIO Programs and Pre-Doctoral Scholars Program.

"Our goal is to create model programs that create a seamless pipeline from elementary school though college graduation," says Moore. Another major goal is to establish new initiatives that will increase the number of underrepresented students receiving advanced degrees.

According to a report released by the National Opinion Research Center and a variety of government agencies, The University of Texas at Austin granted the largest number of doctorates to underrepresented students of color in 2006. As well, the report found that 20% of U.S. citizens awarded research doctorates from American universities in that year were underrepresented students of color, making that percentage the highest in U.S. history.* Vice President Vincent is encouraged by this increase and believes even larger gains will be made in the future. "We have made great strides in our efforts to increase diversity in higher education and believe our outreach programs will help produce even greater gains.



Dr. Moore frequently speaks to groups about his research on mentoring African American student athletes.

The outlook for these programs is very promising. This past September the university's TRIO program was awarded the prestigious Ronald E. McNair Scholars Program grant by the U.S. Department of Education. The university scored in the top 10% of all applicants and will receive over $1 million over a five-year period. The division will use the grant funding to annually identify, recruit, and prepare 25 eligible college students from low-income, first-generation and other groups underrepresented in graduate education.

The TRIO program prepares participants for doctoral studies through involvement in research and other scholarly activities. The McNair Scholars Program will work closely with participants as they complete their undergraduate requirements. "This grant will have a tremendous impact in increasing the number of underrepresented groups in graduate education, especially in certain areas of mathematics and science. This is critical in providing students opportunity to enter fields that traditionally lack gender and ethnic diversity," says Dr. Vincent.

The university continues to excel as a public institution of higher learning and is recognized worldwide for the impact of its research, teaching, and service. The programs housed within the Pre-College Youth Development portfolio will play a central role in expanding upon an already outstanding reputation and maximizing the university's resources to meet the challenges of addressing the inadequate participation of underrepresented groups in higher education. ●

* Hoffer, T. B., M. Hess, V. Welch, Jr., and K. Williams. 2007. Doctorate Recipients from United States Universities: Summary Report 2006. Chicago: National Opinion Research Center. (The report gives the results of data collected in the Survey of Earned Doctorates conducted for six federal agencies: NSF, NIH, USED, NEH, USDA, and NASA by NORC.)



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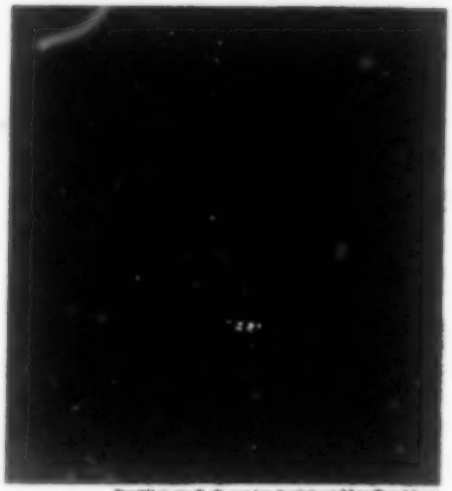
# Dr. Michele R. Guzmán expands diversity education on campus

For Dr. Michele R. Guzmán, Assistant Vice President for Diversity Education Initiatives, educating the campus community on issues regarding diversity and social justice is of the utmost importance.



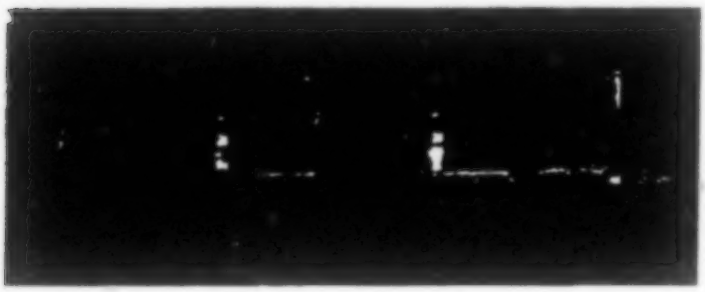
Dr. Michele R. Guzmán, Assistant Vice President for Diversity Education Initiatives

The departments in her portfolio, the Multicultural Information Center (MIC), the Gender and Sexuality Center (GSC), and the Diversity Education Institute (DEI), are charged with providing comprehensive and effective diversity education. "My vision is to have the three units work collaboratively to foster a climate of acceptance, appreciation and respect for diverse individuals on campus and in the Austin community," says Dr. Guzmán.

While both the MIC and GSC work to educate the entire campus community, their primary focus is on students. According to Guzman, the Diversity Education Institute (DEI), formerly the Diversity Institute, will fill the gap by providing diversity education to faculty and staff. "We also will be looking at opportunities for the institute to support the diversity efforts of agencies in the greater Austin community," Dr. Guzmán says. The DEI will remain in collaboration with the School of Social Work, which founded the Diversity Institute in 1995. "Bringing the DEI under the Division of Diversity and Community Engagement will give it the resources it has long needed to fulfill its mission," Guzmán added.

The DEI will engage in at least two areas of signature programming. One will be the continuation of the division's highly successful "Roundtable Discussions," started by Vice President Vincent shortly after his arrival in 2005. "With the institute, we will continue with the spirit of promoting conversation, but will give the roundtables an educational focus as well," says Dr. Guzmán. This will be accomplished by identifying a topic and delivering information about it before engaging in dialogue. During the 2007 fall term, the institute hosted a roundtable discussion in conjunction with the division's five-week official launch and held a very well-attended roundtable discussion on internalized racism in partnership with the university's Division of Housing and Food Service.

The other programming area will be a set of courses open to faculty, staff and students, to provide diversity education at various levels. One will be a course that will run every semester, promoting awareness and providing information about diverse identities in society, as well as discussions on issues of privilege and disadvantage. Two additional classes will be offered to support those educators who engage in diversity education on campus: one for the novice and the other for the more experienced educator. According to Dr. Guzmán, "These courses will include everything from developing effective assignments to handling the crossfire of challenging discussions in the classroom." ●



Dr. Guzmán moderates a panel on the university's response to bias incidents, including Dr. Margarita Arellano, senior associate dean of students, and Dr. Jennifer Hammat, assistant vice president for student affairs.



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# Division Departments

## University Outreach Centers

Since their inception in 1987, University Outreach Centers have assisted thousands of students who may not have considered college as a viable option. The Texas Higher Education Coordinating Board confirms that 100% of 2006 center seniors graduated from high school compared to 84% statewide. Nearly 85% enrolled in an institution of higher education, and 96% enrolled in a Texas college or university.

### MISSION:

To assist students in grades 6-12 to graduate from high school and enroll in an institution of higher education.

### IMPACT:

- Offers a college preparatory program with group and individual services that enhance academic success and ensure students are college-admissible upon high school graduation. Staff assists with potential barriers such as entrance exam deadlines and equips students with tools to negotiate the college admissions process successfully.
- Guides students through a college preparatory curriculum via a step-by-step approach that makes covering core activities less complicated.
- Provides a bridge between middle and high school through University Jumpstart, a four-week summer skills enhancement program with review courses in math, science and language arts, including reading and public speaking. Students also receive instruction in personal development and early college planning.
- Inspires rising juniors and seniors through Longhorn Round-Up, a summer overnight camp where students travel to the university to get first-hand experience of life as a Longhorn.
- Facilitates college visits to institutions of higher learning throughout Texas. Staff makes arrangements and accompanies students to help them navigate the process of finding the college that is the best fit. Comparisons between large and small schools, public and private, coed and non-coed are some characteristics considered.
- Shares knowledge with parents and students through focused workshops such as Algebra and Geometry Clinics, Scholarship Search, ACT/PSAT/SAT Prep, Savvy Senior Saturdays and College 101.

## Helping High Schoolers Find Their Horns

One of the University Outreach Centers' most popular college prep programs is the Longhorn Round-Up, where high school students spend the night at Jester Dormitory on campus to get first-hand experience of life as a Longhorn. Austin native Marco Rico attended Longhorn Round-Up in 2007. "They really gave us lots of good insight on what college life is really like," says Rico. Students got practical advice on everything from choosing a major to studying abroad. Rico says, "I want to go to UT, and I'd love to study programming in Japan someday. And Longhorn Round-Up let me know that I can do it."

### FIND IT:

6207 Sheridan Avenue, Austin, TX 78723
www.uoc.utexas.edu
(512) 232-4630

## *The* Neighborhood Longhorns Program

The Neighborhood Longhorns Program provides volunteer student tutors and mentors to 25 elementary and three middle school campuses in Austin, impacting the lives of more than 4,000 students. The program serves economically disadvantaged youth in grades 2 through 8 who are at high risk of experiencing academic difficulties. In addition to tutoring students in academic subjects and TAKS preparation, these student volunteers serve as positive role models who encourage students to stay in school, graduate from high school and obtain a college education. The Neighborhood Longhorns Program is a successful model of a university community partnership that ensures students are prepared to enter the pipeline for higher education.

### MISSION:

To link community with education to create learning environments to improve basic reading, math, science and language arts skills, encourage school attendance, and engage students in extracurricular activities to broaden social skills and self-confidence.

### IMPACT:

- Since the program's inception, approximately $500,000 has been awarded to program participants.
- In 2006, 286 University of Texas at Austin students provided 5,141 hours of volunteer tutoring to nearly 400 AISD students, representing a contribution of at least $50,000.
- Provides educational incentives and prizes to encourage academic performance.
- Organizes events such as Bevo's Grand Slam Reading Program and SpringJam!
- Invites program participants to attend sports events as well as university and community cultural events.

### FIND IT:

6207 Sheridan Avenue, Austin, TX 78723
www.utexas.edu/admin/neighbor
(512) 232-4650



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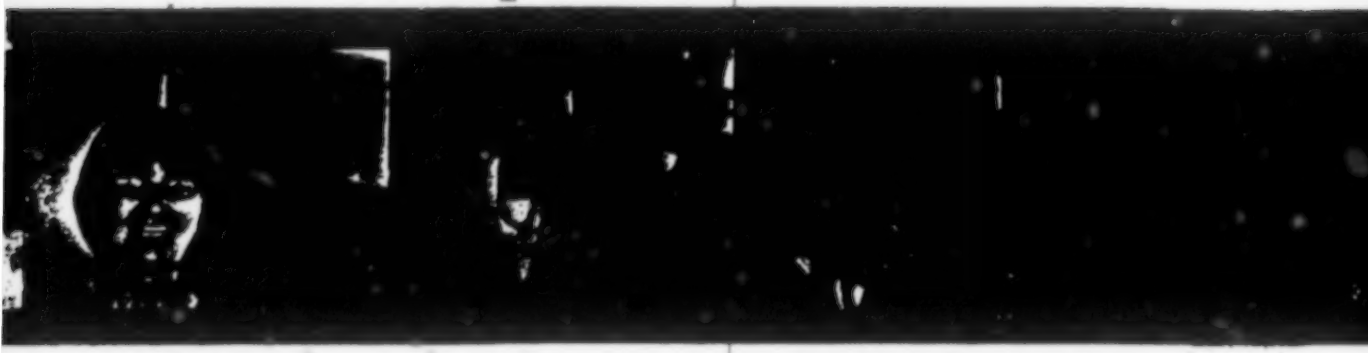
# Division Departments



## ChemBridge

ChemBridge is an innovative, first of its kind program, allowing high school students the opportunity to earn college chemistry credit upon completion of the course. Additionally, students earn high school credit for an accelerated science class that serves as an Advanced Measure under the Texas Education Agency Distinguished Achievement Program.

MISSION:

To provide a ground-breaking science program while also bridging the gap between high school and college.

IMPACT:

- Engages students in high-need learning communities in a rigorous science curriculum that will better prepare them for college-level science coursework.
- Delivers a range of professional development activities to improve the instructional ability of chemistry teachers in the partner schools through interactive curriculum design and collaboration with national experts in the field.

FIND IT:

6207 Sheridan Ave. Austin, TX 78723
http://chembridge.cm.utexas.edu/
(512) 232-4601

## Students Partnering for Undergraduate Rhetoric Success *(SPURS)*

Students Partnering for Undergraduate Rhetoric Success (SPURS) is a partnership between the Department of Rhetoric and Writing at the University of Texas at Austin, the DDCE and public school districts in Texas. The program pairs lower-division writing classes at the university with 11th grade AP English Language and Composition classes from underrepresented high schools in Texas.

MISSION:

To foster improved reading and writing skills among high school students hoping to enter college and to connect students from underrepresented high schools to an academic community of collegiate readers and writers.

IMPACT:

- Provides a smoother transition from high school to college for numerous students throughout the State.
- Students learn the principles of rhetorical analysis and become more sophisticated writers, which allows for greater success upon entering college.

FIND IT:

6207 Sheridan Ave. Austin, TX 78723
http://spurs.dmw.utexas.edu/
(512) 232-4601

## Longhorn Center for Academic Excellence

The Longhorn Center for Academic Excellence (LCAE) offers a variety of programs and services to assist students in reaching their maximum potential. The LCAE includes Gateway Scholars, TRIO Programs, and the Preview Program.

MISSION:

To empower students in their pursuit of academic and personal excellence through academic support, leadership development, community building, cultural appreciation, and civic engagement.

IMPACT:

Gateway Scholars Programs (Gateway, Welcome, Achieving College Excellence (ACE), Grad Prep, and UTransition)

- The Gateway Program creates smaller learning communities for students, introduces students to the university's vast resources, and encourages each student to take full advantage of all opportunities available.
- The Welcome Program connects incoming students from diverse backgrounds to inform and educate and to make their first year's experience more enjoyable academically and personally.
- The Achieving College Excellence (ACE) Program provides free tutoring and academic success workshops for students who want to enhance their academic performance.
- The Grad Prep Program offers a series of workshops each semester to educate students about graduate study.
- UTransition introduces transfer students to academic and social support services available such as tutoring, personal support, study skills workshops, and peer mentoring.

TRIO Programs (Longhorn Link Program and McNair Scholars Program)

- The Longhorn Link Program, a federally funded TRIO program, provides academic services, learning support, leadership development and enrichment opportunities to ensure academic excellence and graduation.
- The McNair Scholars Program, a federally funded TRIO program, identifies, recruits, and prepares college students from low-income, first-generation backgrounds and groups underrepresented in graduate education to successfully enroll in and complete a doctoral degree.

Preview Program

The Preview Program assists students as future leaders of their communities and provides a peer advisor, a summer residential program, summer sessions with a stipend to help cover costs and free tutoring.

FIND IT:

4.400 Student Services Building, 100 West Dean Keeton
http://www.utexas.edu/diversity/ddce/aae/
(512) 471-1205



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# Division Departments

## Gender *and* Sexuality Center

The Gender and Sexuality Center supports the needs of women and lesbian, gay, bi-sexual, and transgendered communities through education, outreach and advocacy. Guided by an advisory and working group of students, faculty, staff and administrators, the center helps to create a strong, welcoming community and a safe, supportive environment that allows everyone to reach academic and personal goals. The center works to diminish prejudice that impairs educational experiences and safety. Women and LGBTQ leaders receive support, and students have a forum to discuss aspirations and concerns. Though the center was set up to serve the university community, it welcomes all members of the Austin community.

### MISSION:

To provide safe spaces for all members of the university and Austin community to explore, organize, and promote learning around issues of gender and sexuality.

### IMPACT:

- Assists with the development and planning of LGBTQ Pride Month programming, the Vagina Monologues and other student-initiated programs.
- Facilitates an active training and workshop series that presents to classes, student organizations, resident assistant training sessions, and residence hall meetings.
- Offers a number of services and programs regarding women's issues, the LGBTQ community and ally development.
- Manages a large lending library of books, magazines, videotapes and DVDs.
- Sends out weekly emails with information on events, scholarships, pertinent news and meetings.

### FIND IT:

Ground Floor, Student Services Building
100 West Dean Keaton
M-Th, 8am-7pm, Fr 8am - 5pm
www.utgsc.com
(512) 232-1831

## *The* Multicultural Information Center

The Multicultural Information Center assembles, processes, and disseminates information relevant to the retention and educational experience of African American, Latino, Asian American and Native American students at The University of Texas at Austin.

### MISSION:

To develop and prepare students for the multicultural society of today and the future by providing diverse educational opportunities and support services for all students.

### IMPACT:

- Created and maintains a comprehensive scholarship index.
- Aids individuals and organizations with event planning and fundraising, as well as providing printing and graphic design resources and a large workspace.
- Facilitates diversity workshops to increase awareness of various issues in our multicultural society for groups including First-Year Interest Groups, mentors, orientation advisors, and resident and academic advisors.
- Helps with outreach to Texas middle and high schools through tours and workshops.
- Organizes the Multicultural Leadership Institute, a weeklong program where participants from all walks of life work together to create a program designed to teach middle school students and their parents about preparing for college. The institute enhances students' leadership skills and encourages diversity in all aspects of campus life by helping students find their individual cultural context as they explore those of others.

## One Student's Story

**After attending the Multicultural Leadership Institute in Spring 2006, San Antonio native Peace Manuagwu was selected to be a co-coordinator for the institute in Spring 2007. "Participating in the institute has shown me that college students serving as mentors can really make a difference. The elementary, middle and high school students from inner-city, low-income areas that we worked with believed that college was not a possibility until they worked with college students from similar backgrounds who were successfully attending college."**

### FIND IT:

Student Services Building 1.104
www.utexas.edu/student/mic
(512) 232-2958



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# The Urban Education Pilot Program aims to better prepare teachers for success in urban educational settings

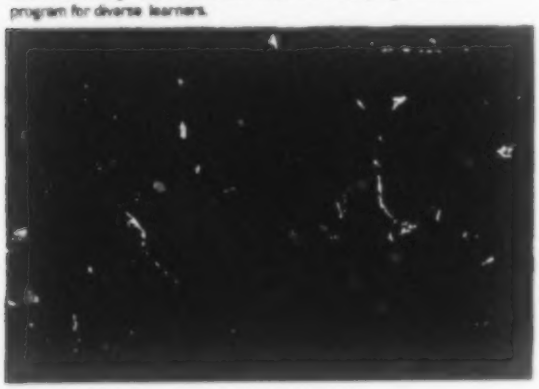
Teaching in inner-city classrooms presents a complex set of challenges. While it is clear that all children need effective education in a safe and nurturing learning environment, issues such as economic inequities, high teacher turn-over and lack of access to new technologies are among the challenges in urban educational settings. Realizing there was a need for an educational alternative, The University of Texas Elementary School was opened in 2003. The school, located in East Austin, primarily serves children of color from socio-economically disadvantaged households. It launched the first university-school-community partnership of its kind in the state and allows public school educators the exciting opportunity to apply new knowledge garnered in the academic setting directly to the classroom. The success of this program has been immense and it is currently the only school in East Austin to have earned an exemplary rating under the Texas Education Agency assessment system in the last 5 years.

The Urban Education Pilot Program, which is set to begin in fall 2008, proposes to extend the school's mission to other urban schools. "The program will build on what we have learned at the UT Elementary School in our first four years of operation," says principal and CEO, Dr. Ramona Treviño. "It will also take advantage of the school's role as a demonstration site for implementation of best teaching practices."

Planning for the pilot program is well underway and a grant has been written to create a best practices manual. Once funded, a hands-on teaching manual that incorporates best practices demonstrated at the UT Elementary School will be created and used as a curriculum resource for the program. The manual will be designed for use by university students in the Urban Education Pilot, as well as for dissemination to teachers in partner schools that will host these students in their teaching practicum. "This is the first time all professors who are involved in the pilot will be in alignment in their methods classes," Dr. Treviño said. University professors will be trained to implement the pilot and approximately 25 undergraduate students will enroll in the cohort in fall 2008.

Dr. Ramona Treviño (center) is the principal and CEO of The University of Texas Elementary School.

The research-based demonstration school provides an educational alternative for East Austin families, serves as a training and development site for university students, and is a model of an exemplary educational program for diverse learners.



The two methodologies that will be emphasized in the professional development training include: Response to Intervention (RTI) and Social/Emotional Learning (SEL). The RTI method prescribes early and frequent assessment of each student, which allows for prompt identification of learning difficulties and concepts that need strategic intervention. SEL is a vital element in the education of young children, particularly in inner-city classrooms. It is designed to promote skills such as respect, problem solving, empathy, communication and teamwork. Both methods have been successfully implemented at the UT Elementary School.

The program will work in collaboration with the College of Education, UT Elementary School, Division of Diversity and Community Engagement and the Austin Independent School District. In addition to Dr. Treviño serving as the project coordinator, Ms. Dottie Riemer Hall will serve as coordinator for university faculty participating in the cohort and is the pilot's lead designer.

Dr. Gregory J. Vincent, vice president for diversity and community engagement, avidly supports the project. "I believe strongly in this pilot program and feel it will be extremely effective in preparing teachers for a society that is increasingly urban and diverse."

"I believe strongly in this pilot program and feel it will be extremely effective in preparing teachers for a society that is increasingly urban and diverse." — Dr. Gregory J. Vincent

# Division Sponsorships for University, Community and Student Organizations

**The Office of the Vice President for Diversity and Community Engagement contributed more than $250,000 in sponsorships for the 2006-2007 academic year alone.**

## Examples of Sponsored University and Student Organizations and Events

Kappa Alpha Psi Fraternity, Inc.: 2005 and 2006 TAKS Carnival

Black Ink/Publish newspaper

Black Student Alliance/Big XII Council on Black Student Government

Umoja Black Women's Symposium

Kappa Alpha Psi Fraternity, Inc.: Miss Black UT

Black Senior Week Planning Week Committee Black Graduation

Alpha Kappa Alpha Sorority, Inc.: Pink and Green Pages

Student African American Brotherhood/ African American Male Summit

Black Graduate Student Association BGSA Dinner

Umoja Shades of Mahogany Dinner

Committee For Black Unity 3rd Annual Black & White Affair

Alpha Phi Alpha Fraternity: 2006 Ms. Black and Gold

Black Student Advisory Committee: Black Essence Awards

Black Student Alliance Big XII Conference-Books

Student African American Brotherhood NASPA Conference

Alpha Phi Alpha-Epsilon Iota: Found Money Week

Black Student Advisory Committee: Malcom X Lounge renovations

Kappa Phi Gamma Sorority, Inc: EMPOWER

Muslim Student Association: The Islamica Series

Kappa Phi Gamma Sorority, Inc: Philanthropy Week

Vietnamese Student Association: 28th Annual Asian Olympics of IX

Lambda Theta Phi-Latin: Fraternity Founder's Week

Texas Blazers Endowment Dinner

Voices Against Violence Take Back the Night

Order of Omega Awards Banquet

Longhorn Center for Academic Excellence: Dean of Students Summer Welcome Program

LBJ School Barbara Jordan Forum

Apathy or Action: Genocide Symposium

The White Rose Society

Campus Fusion/Guest Speaker, Jane Elliot

Celebration of Excellence: Diversity Graduation Ceremony

Keep UT Hate Free

Student Government Lectureship Series:
Guest Lecturer: Dr. Seema Kapani
Guest Lecturer: Dr. Hanes Walton, Jr.
Guest Lecturer: Dr. Leonard Moore

Roundtable Discussions: Co-sponsorship with the Multicultural Information Center and the Gender and Sexuality Center

Kwanzaa Celebration

Black Student Leadership Conference

FuFu BBQ

Asian American Leadership Institute

Asian American Heritage Week

Sabado Gigante

Latino Leadership Summit

Longhorn American Indian Council 9th Annual Powwow

Safe Space Workshops

Living with Pride Series

Creating Change Conference

Queer Texas Conference

2006 Professional Development Day

Black Faculty Staff Association: Professional Development Day

Martin Luther King, Jr. Day City-wide Celebration

Diversity & Community Symposium

Town Hall Meeting

Division of Housing and Food Services: Diversity Committee Training Workshops

Asian American/Black Faculty Staff Association/ Hispanic Staff and Faculty Leadership Symposium

## Examples of Dr. Vincent's Speaking Engagements

Hispanic Faculty Staff Association

Department of Educational Administration Luncheon

Fox 7 News Interview

Academy of Distinguished Teachers Banquet

Martin Luther King, Jr. Day Reception

6th Annual Multicultural Leadership Institute

Texas Monthly Talks

APSA, Diversity--A Compelling State Interest

Thurgood Marshall Legal Society Banquet

Student Government Inauguration Ceremony

Student African American Brotherhood Banquet- 10-Year Anniversary

7th Annual End of Year Parent and Community Volunteer Awards Ceremony

Graduation Reception for graduating students of color

Spring Commencement Activities

HR/ Diversity Affinity Group

A Call for Social Justice: Mentoring for Leadership

Opening Address Hall Coordinator Training

Greater Hispanic Chamber of Commerce

In-Roads Banquet

KAZI FM 88.7 - Educating Our Children radio interview

Ford International Fellowship Reception

Martin Luther King, Jr. Statue Rededication

Texas Diversity Luncheon

Longhorn Scholars Welcome Reception

McCombs Diversity Council - Diversity Dialogue Dinner

John Allen, Desmond Tutu's biographer - Welcome Remarks

Texas Center for Education Policy Conference

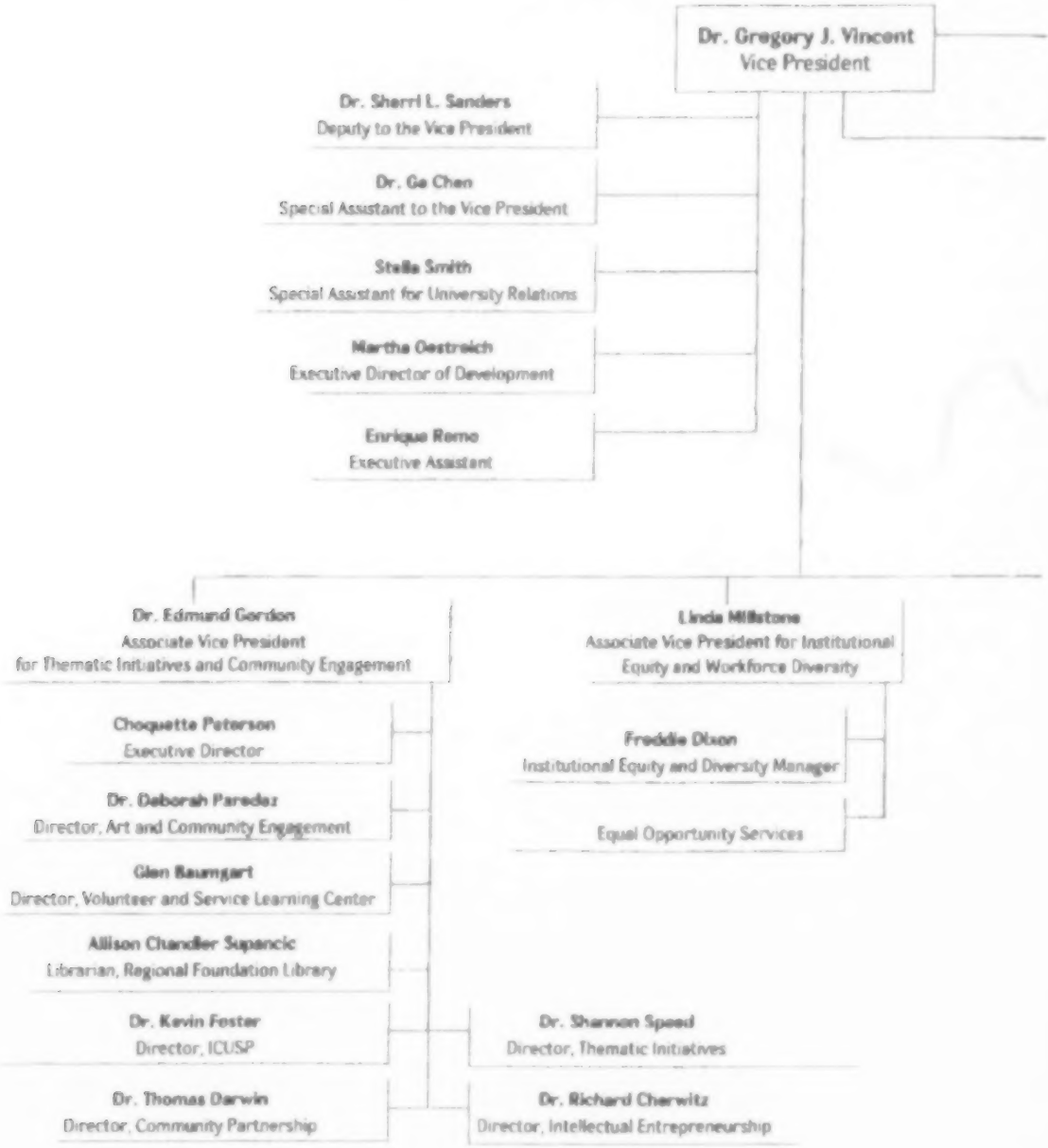
Texas Exes Ring Ceremony

NAACP Freedom Fund Banquet

AISD-MLK Project

Leadership Austin - Leadership/Diversity Session

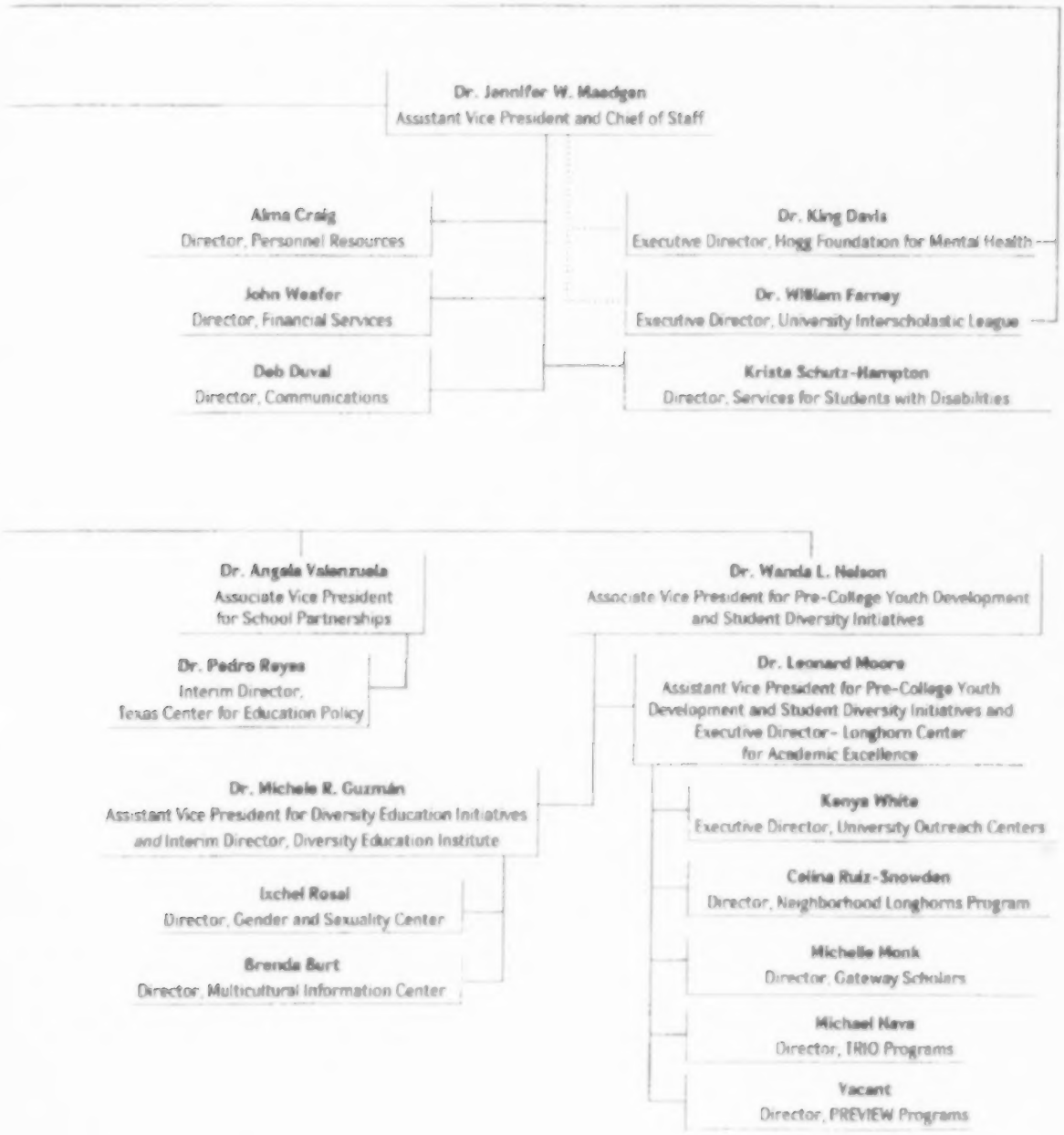
# Division of Diversity *and* Community Engagement






SJA 200a

# DIVISION ORGANIZATION






SJA 201a

DDCE PROGRAMS

## McNair Scholars Program

The Ronald E. McNair Scholars Program will annually identify, recruit, and prepare 25 eligible college students from low-income, first-generation backgrounds and groups underrepresented in graduate education. Scholars will be selected from all academic disciplines but primary focus will be given to disciplines in science, technology, engineering, and mathematics. The 25 McNair Scholars will participate in the exploratory programming offered through a series of monthly colloquia at The University of Texas at Austin and in mentoring relationships with committed faculty. Some of the activities to be included are graduate school exploration, GRE preparation, how to write effective personal statements, financial aid preparation, academic advisement, counseling, and assistance in securing enrollment and financial support for entry into graduate school. McNair Scholars will also have access to other support services designed to prepare them for successful enrollment in doctoral study.

Each year, 15 of the 25 McNair Scholars will be selected through a competitive process to receive a stipend to participate in a 10-week residential Summer Research Internship. The remaining 10 scholars will participate in a four-week residential Pre-Doctoral Institute designed to focus on the graduate school search and writing a personal statement. All McNair Scholars will spend time engaged in research projects conducted under the supervision of university faculty and graduate assistants. Opportunities will be provided for McNair Scholars to discuss their research findings with other resident faculty members and graduate students in forums and a special symposium held on campus. All students will be given the opportunity to travel to conferences to interact with other scholars and present their research findings. The University of Texas at Austin makes the ideal setting for TRIO-eligible students who have the desire to continue their education to the doctoral level, but who are lacking the essential resources. The intent of the McNair Scholars Program is to increase the number of underrepresented graduate students pursuing a doctoral degree.

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DIVISION OF DIVERSITY AND COMMUNITY ENGAGEMENT

PAID
AUSTIN, TEXAS
PERMIT NO. 391

SJA 202a

# PETITIONER'S BRIEF

Supreme Court, U.S.
FILED
SEP - 3 2015
OFFICE OF THE CLERK

No. 14-981

IN THE

# Supreme Court of the United States

ABIGAIL NOEL FISHER,

*Petitioner,*

*v.*

UNIVERSITY OF TEXAS AT AUSTIN, *et al.*,

*Respondents.*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

## BRIEF FOR PETITIONER

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## QUESTION PRESENTED

Whether the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions can be sustained under this Court's decisions interpreting the Equal Protection Clause of the Fourteenth Amendment, including *Fisher v. University of Texas at Austin*, 133 S. Ct. 2411 (2013).

## PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner in this case is Abigail Noel Fisher.

Respondents are the University of Texas at Austin; Pedro Reyes, Executive Vice Chancellor for Academic Affairs in His Official Capacity; Daniel H. Sharphorn, Vice Chancellor and General Counsel in His Official Capacity; Gregory L. Fenves, President of the University of Texas at Austin in His Official Capacity; Board of Regents of the University of Texas System; R. Steven Hicks, as Member of the Board of Regents in His Official Capacity; David J. Beck, as Member of the Board of Regents in His Official Capacity; Ernest Aliseda, as Member of the Board of Regents in His Official Capacity; Alex M. Cranberg, as Member of the Board of Regents in His Official Capacity; Brenda Pejovich, as Member of the Board of Regents in Her Official Capacity; Sara Martinez Tucker, as Member of the Board of Regents in His Official Capacity; Wallace L. Hall, Jr., as Member of the Board of Regents in His Official Capacity; Paul L. Foster, as Chair of the Board of Regents in His Official Capacity; Jeffery D. Hildebrand, as Member of the Board of Regents in His Official Capacity; Susan Kearns, Interim Director of Admissions in Her Official Capacity; William H. McRaven, Chancellor of the University of Texas System in His Official Capacity.

Plaintiff-Appellant below Rachel Multer Michalewicz is being served as a respondent herein.

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## OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit is reported at 758 F.3d 633 and is reproduced in the Petition Appendix ("App.") at 1a-90a. The Fifth Circuit's order denying rehearing en banc is reported at 771 F.3d 274 and is reproduced at App. 94a-98a. The Fifth Circuit's earlier opinion is reported at 631 F.3d 213 and is reproduced at App. 147a-260a. The Fifth Circuit's earlier order denying rehearing en banc and the opinion dissenting from the denial of rehearing en banc are reported at 644 F.3d 301 and are reproduced at App. 318a-330a. This Court's opinion vacating the Fifth Circuit's earlier opinion is reported at 133 S. Ct. 2411 and is reproduced at App. 99a-146a. The opinion of the United States District Court for the Western District of Texas is reported at 645 F. Supp. 2d 587 and is reproduced at App. 261a-317a.

## JURISDICTION

The United States Court of Appeals for the Fifth Circuit rendered its decision on July 15, 2014. App. 91a. A timely petition for rehearing en banc was denied on November 12, 2014. App. 94a. This Court granted a timely petition for certiorari on June 29, 2015. Joint Appendix ("JA") 64a. This Court has jurisdiction under 28 U.S.C. § 1254(a).

## CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment to the United States Constitution provides in relevant part:

> No State shall ... deny to any person within its jurisdiction the equal protection of the laws.

U.S. Const. amend. XIV, § 1.

## INTRODUCTION

After the Fifth Circuit struck down the use of racial preferences in undergraduate admissions at the University of Texas at Austin ("UT") in *Hopwood v. Texas*, 78 F.3d 932 (1996), Texas made the choice to seek diversity through race-neutral alternatives. The Texas legislature passed a statute requiring that all Texas students who graduate in the top ten percent of their high school classes be admitted to UT. And UT broadened its admissions policies to ensure a fair opportunity for qualified students who do not come from privileged backgrounds. The experiment was an important step toward "bringing about the harmony and mutual respect among all citizens that our constitutional tradition has always sought." *Grutter v. Bollinger*, 539 U.S. 306, 395 (2003) (Kennedy, J., dissenting). The experiment also was a success, enabling UT to enhance educational opportunity and achieve "real diversity" without classifying applicants in a way the "Constitution abhors." App. 322a, 328a (Jones, J., dissenting from denial of rehearing en banc). Yet the day that *Grutter* issued, UT leapt at the opportunity to reintroduce racial preferences "whose utility is highly dubious in comparison with the effect of the Top Ten Percent Law." App. 330a.

Since then, UT's fundamental problem has been its inability to justify that unfortunate decision. UT tried in vain to avoid scrutiny altogether by making meritless

standing arguments that this Court has rejected. UT sought refuge behind a veil of deference that this Court's prior decision lifted. *See Fisher v. Univ. of Texas at Austin*, 133 S. Ct. 2411 (2012) ("*Fisher I*"). UT asserted interests in demographic parity and classroom diversity that it has since abandoned. And, now, UT invokes an interest in "intra-racial" (raised for the first time on appeal and lacking any record support) that only a court committed to deferential review could uphold. This post-hoc interest based on stereotypical assumptions about high-achieving minority students from poorer neighborhoods could never survive strict scrutiny.

The Court must bring this runaround to an end. *Fisher I* reiterated that the application of traditional strict scrutiny is a precondition to the use of racial preferences. Only strict scrutiny affords the judiciary "any authority to approve the use of race in pursuit of student diversity." *Grutter*, 539 U.S. at 394 (Kennedy, J., dissenting). First, it places the burden on the university to clearly specify an interest that purportedly justifies racial preferences. Second, it requires record evidence from the university that shows that the university articulated and substantiated that interest at the time the decision to use racial preferences was made. Third, it requires that the university prove that the use of race is necessary to achieve its articulated interest. Finally, it requires that the university's use of race be narrowly tailored to achieve that compelling interest. UT's claimed interest in "intra-racial diversity" does not satisfy any of these fundamental requirements.

That this case is straightforward should not obscure its importance. The country is engaged in "a dialogue

regarding this contested and complex policy question" of racial preferences. *Schuette v. Coal. to Defend Affirmative Action, Integration & Immigrant Rights & Fight for Equal. By Any Means Necessary (BAMN)*, 134 S. Ct. 1623, 1630 (2014). But that dialogue can continue in a constructive manner only if universities are convinced "the strict scrutiny standard will operate in a manner generally consistent with the imperative of race neutrality, because it forbids the use even of narrowly drawn racial classifications except as a last resort." *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 519 (1989) (Kennedy, J., concurring in part and concurring in the judgment). If UT benefits from its strategy of obfuscation, "[t]he unhappy consequence will be to perpetuate the hostilities that proper consideration of race is designed to avoid." *Grutter*, 539 U.S. at 394 (Kennedy, J., dissenting). By holding that UT discriminated against Ms. Fisher and reversing the judgment below, the Court will not only vindicate her equal-protection rights, it will remind universities that the use of race in admissions must be a last resort—not the rule.

## STATEMENT

### A. UT's 2008 Admissions Program

UT's admissions process is the product of a series of judicial and policy decisions that culminated in the reintroduction of racial preferences following the Court's 2003 decision in *Grutter*.

Before 1997, UT's in-state admissions process considered only two factors: (1) an applicant's Academic Index ("AI"), which was computed from standardized test

scores and high school class rank; and (2) the applicant's race. Supplemental Joint Appendix ("SJA") 41a. Race "was often a controlling factor in admissions." App. 162a. The use of race in this system ended with the Fifth Circuit's decision in *Hopwood*.

UT responded by adjusting its criteria for admission in an effort to preserve the level of minority enrollment it had achieved pre-*Hopwood*. In 1996, the last pre-*Hopwood* admissions cycle, UT's freshman class was 18.6% African-American and Hispanic. *Fisher I*, 133 S. Ct. at 2416. In 1997, UT augmented its AI-based admissions calculus with a new Personal Achievement Index ("PAI"). The PAI was a weighted average of two written essays and a "personal achievement score." The PAI "measures a student's leadership and work experience, awards, extracurricular activities, community service," and "special circumstances." *Id.* at 2415. These special circumstances (including, *inter alia*, being raised in a single-parent, non-English speaking, or socioeconomically disadvantaged home environment or assuming significant family responsibilities) tended to "disproportionately affect minority candidates." *Id.* at 2416. UT's AI/PAI system produced an enrolled 1997 freshman class that was 15.3% African American and Hispanic. App. 267-68a.

Contemporaneous with UT's alteration and expansion of its admissions criteria, the Texas Legislature formulated its own response to *Hopwood*. It passed a law requiring UT to grant admission to any Texas high school student graduating in the top 10% of their class. H.B. 588, Tex. Educ. Code § 51.803 (1997) ("Top 10% Law). The Top 10% Law took effect for the 1998 admissions cycle. From that point forward, UT's AI/PAI system continued to

be used for two purposes. First, it was used to fill those seats in the entering class that were not taken by students admitted under the Top 10% Law. Second, it was used to determine program placement for all incoming freshmen, including those admitted under the Top 10% Law. *Fisher I*, 133 S. Ct. at 2416-17.

The combined effect of the Top 10% Law and the AI/PAI system was to steadily increase African-American and Hispanic admissions, "result[ing] in a more racially diverse environment at [UT]." *Id.* at 2416. In 1999, UT announced that its "enrollment levels for African American and Hispanic freshman ... returned to those of 1996, the year before the *Hopwood* decision." JA 393a. Moreover, UT learned that "minority students earned higher grade point averages [in 1999] than in 1996" and that they had "higher retention rates." *Id.* UT proudly announced that the Top 10% Law "had enabled [it] to diversify enrollment ... with talented students who succeed" and led to the enrollment of "a more representative student body and ... students who perform well academically." *Id.*

This upward trend in minority enrollment continued unabated. In 2003, UT announced that it had "effectively compensated for the loss of affirmative action." JA 396a. That year, UT "brought a higher number of freshman minority students—African Americans, Hispanics and Asian Americans—to the campus than were enrolled in 1996." JA 412a. By 2004, the combined system produced an entering class that was 21.4% African-American and Hispanic. *Fisher I*, 133 S. Ct. at 2416. This system also resulted in a steady increase in the admission of Asian-American students who constituted 17.9% of the 2004 class. App. 166a.

Nevertheless, on June 23, 2003—the very day *Grutter* was decided—UT announced it would "modify its admission procedures to ... combine the benefits of the Top 10% Law with affirmative action programs that can produce even greater diversity." JA 406a-07a. To that end, in 2004, UT presented a "Proposal to Consider Race and Ethnicity in Admissions" ("Proposal") to its Board of Regents for approval. SJA 1a-39a. The Proposal set forth two reasons for why racial preferences were needed at UT. First, they were needed to overcome "significant differences between the racial and ethnic makeup of [UT's] undergraduate population and the state's population." SJA 24a. Second, they were needed to achieve classroom diversity; that is, the presence of more minority students in smaller "classes of participatory size." SJA 24a-26a; *see* App. 167a, 169a.

UT's Proposal included a classroom diversity study. The study defined "classroom diversity" as being satisfied only in classrooms where at least two African-American, two Hispanic, and two Asian-American students were present. SJA 69a-70a; App. 291a. This study focused on "a subset of undergraduate classes containing between 5 and 24 students." *Fisher I*, 133 S. Ct. at 2416.[1] UT determined that many of these "participatory" classes did not meet its classroom-diversity standard. SJA 70a.

The Proposal asserted that the classroom-diversity study and the demographic imbalance between its freshman class and the Texas population together proved that UT had not "achiev[ed] a critical mass of racial diversity." App.

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1. UT excluded international students from its "classroom diversity" analysis. SJA 70a.

25a; *Fisher I*, 133 S. Ct. at 2416.[2] The Proposal further claimed that although existing race-neutral admissions policies (including the Top 10% Law) were "very useful in producing a student body of strong academic ability," SJA 39a, they had "failed to improve diversity within the classroom," SJA 25a. The Proposal did not analyze the background, life experiences, extracurricular activities, personal attributes, or other individual characteristics of the minority students admitted to UT.

The Regents accepted the Proposal. SJA 152a; App. 103a. In 2004, UT reintroduced racial preferences by adding "race" to the list of "special circumstances" that make up a key component of the PAI. SJA 152a, 174a, 280a. UT elected to employ racial preferences to benefit African Americans and Hispanics, groups it deemed "underrepresented." SJA 25a. Though the study revealed a far more significant "classroom diversity" problem with Asian Americans, SJA 26a, UT deemed Asian Americans "overrepresented" based on state demographics, App. 301a. At the same time, UT continued to recognize Asian Americans as a minority in its diversity statistics, marketing materials, and classroom-diversity study. JA 370a-71a, 398a-99a; SJA 176a.

In reintroducing race to admissions decisions, UT did not identify a "specific goal ... in terms of the number of [additional African-American and Hispanic] students" it would admit, nor did it include any specific or approximate level of minority admissions that would constitute a "critical mass." SJA 29a. UT also did not project the date at which it would abandon the use of race in admissions

2. UT has also cited a student survey collecting "anecdotal" reports of classroom interaction. JA 482a.

decisions. Instead, UT committed to review its policy in five years. SJA 6a, 15a, JA 448a. No review has been published in the intervening eleven years.

Since 2004, then, an applicant's race appears on the front of every application file and "reviewers are aware of it throughout the evaluation." App. 280a. Every applicant must be identified by race because UT's AI/PAI scoring determines both admission for non-Top 10% Law applicants and program placement for all admitted students. Yet UT keeps no record of how race affects specific PAI scores or admissions decisions. UT also has not assessed the effect of its racial preferences on minority enrollment and has instead disclaimed any ability to determine its effect. *See* JA 337a; App. 250a. UT has also made no attempt to assess the individual characteristics of students admitted because of racial preferences or in spite of them. UT's position is that it suffices that race "can make a difference" in individual admission decisions, App. 281a, and that race is being used as part of an admissions system that it views as holistic, "[t]he major requirement of [*Grutter*]" according to UT. SJA 15a.

Although UT has never measured the effect of using race on its overall enrollment, it clearly is negligible. First, race can be determinative only for in-state underrepresented minority applicants not admitted under the Top 10% Law, which is a small segment of the freshman class. In 2008, for example, 6,322 in-state students enrolled at UT: 5,114 through the Top 10% Law and 1,208 through the race-affected AI/PAI regime. App. 247a-48a. Of the non-Top 10% enrollees, 216 were African American or Hispanic, representing only 3.4% of the enrolled in-state freshman class. App. 249a.

Second, a number of the 216 non-Top 10% minority enrollees would have been admitted without regard to their race. Some were admitted based solely on high AI scores. App. 173a; JA 418a. Many others would have been admitted under an AI/PAI system unaffected by race. To illustrate, when race was not a factor in the PAI calculus, 15.2% of the non-Top 10% Texas enrollees in 2004 were African American or Hispanic; in 2008, when race was reintroduced, 17.9% were African American or Hispanic. SJA 157a. Even if the entirety of the increase between 2004 and 2008 were attributable to race, it would have been decisive for only 2.7% of the 1,208 non-Top Ten enrollees in 2008—or 33 African Americans and Hispanics combined. *Id.* If so, racial preferences would have accounted for 0.5% of the 6,322 in-state freshman class in 2008.

The dramatic increase in African-American and Hispanic enrollment at UT was mostly attributable instead to the Top 10% Law. During the period from 1998 to 2008, the percentage of African-American and Hispanic students who enrolled in the incoming freshman class increased from 16.2% to 25.5%. SJA 156a. Nearly 86% of the African-American and Hispanic students who enrolled in the 2008 incoming freshman class were admitted via the Top 10% Law. SJA 157a. The Top 10% Law continued to drive increases in the enrollment of African-American and Hispanic students at UT,[3] in spite of the fact that the Texas Legislature eventually capped admission under

3. Because of the Top 10% Law's success, UT became a majority-minority campus in 2010. *See Class of First-Time Freshmen Not a White Majority This Fall Semester* (Sept. 14, 2010), *available at* www.utexas.edu/news/2010/09/14/student_enrollment2010/.

the Top 10% Law to 75% of the class. Tex. Educ. Code § 51.803(a-1). Lifting this cap, as Texas law requires if the decision below is reversed, *see id.* § 51.803(k)(1), would further increase UT's enrollment of African-American and Hispanic students.

**B. History of the Litigation**

After being denied admission to UT in 2008, Ms. Fisher filed suit in the Western District of Texas for injunctive relief and damages to challenge UT's use of race in admissions under the Equal Protection Clause of the Fourteenth Amendment, 42 U.S.C. §§ 1981 and 1983, and Title VI of the Civil Rights Act of 1964. App. 3a. UT defended its use of race as a narrowly tailored means of pursuing racial diversity, which it deemed essential to its mission.

UT contended that it needed to boost minority admissions, especially at the classroom level, because it had not attained a "critical mass" of "underrepresented" minorities. Relying on the 2004 Proposal, UT claimed that: (1) its enrollment of African Americans and Hispanics lagged behind each group's segment of Texas's population and (2) a significant number of its small classes did not have at least two African Americans, two Hispanics, and two Asian Americans. App. 290a-93a. UT further argued that its use of race was "narrowly tailored" to advance these interests because its program was holistic, was not a quota, and included a plan to review the need for racial preferences every five years. App. 307a-08a, 313a-14a.

The parties engaged in months of discovery, which included, among other things, document production,

interrogatories, requests for admission, and depositions of several UT admissions officials. *See, e.g.*, Appendix to Pl.'s Mot. for Summ. J., *Fisher v. Univ. of Texas at Austin*, No. 08-263 (W.D. Tex.) (Doc. 94-3). UT also submitted numerous affidavits of admissions officials and personnel. *Id.* At the close of discovery, and after the case was bifurcated to reserve remedies issues for a later phase, both parties moved for summary judgment on liability. The parties agreed on the material facts and that summary judgment was appropriate. *See* Defs.' Reply Mem. in Supp. of Cross-Mot. for Summ. J. at 1, *Fisher v. Univ. of Texas at Austin*, No. 08-263 (W.D. Tex.) (Doc. 102). At no point in this process did UT assert an interest in diversity within racial groups or offer any evidence concerning the background or individual characteristics of applicants for admission or enrolled students.

The district court granted UT summary judgment. The court endorsed UT's reliance on "classroom diversity" statistics and held that UT's pursuit of demographically proportional African-American and Hispanic enrollment rates was permissible under *Grutter*. App. 301a-03a. The court also found that UT's admissions system was narrowly tailored because it was holistic and subject to periodic review. App. 307a-08a, 313a-14a.

The Fifth Circuit affirmed. The court acknowledged that UT's use of race should be subject to strict scrutiny review. App. 181a. But the court employed a deferential standard that limited the judicial inquiry to whether UT's "decision to reintroduce race as a factor in admissions was made in good faith." App. 193a. Under this standard, the Fifth Circuit "presume[d]" that UT had "acted in good faith" and required Ms. Fisher to rebut that presumption. App. 182a.

The Fifth Circuit acknowledged that "UT's claim that it has not yet achieved critical mass was less convincing when viewed against the backdrop of the Top Ten Percent Law," a law Judge Higginbotham believed was potentially unconstitutional, but nonetheless deferred to UT's "good faith conclusion" that it lacked a critical mass of African-American and Hispanic students. App. 213a, 212a. The court endorsed UT's focus on state demographics, specifically pointing to Hispanic enrollment numbers, which it found "low ... considering the vast increases in the Hispanic population of Texas." App. 211a. The Fifth Circuit also endorsed UT's pursuit of classroom diversity, crediting UT's study that purported to show "minority students remain[ed] clustered in certain programs." App. 202a. The Court rejected the argument that the negligible number of underrepresented-minority students admitted through racial preferences rendered the use of race unconstitutional under *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007). App. 213-14a. It held instead that UT had "properly concluded that race-conscious admissions measures would help" it achieve its vision of "critical mass." App. 214a. Judge Higginbotham faulted the Top 10% Law for UT's supposed deficiences with regard to diversity. App. 202a.

Judge King concurred to disassociate herself from Judge Higginbotham's attack on the Top 10% Law. App. 218a. It was not an issue in the case because "[n]o party challenged ... the validity or the wisdom of the Top Ten Percent Law." *Id.*

Judge Garza specially concurred. App. 218a-60a. In his view, *Grutter* was wrongly decided but nonetheless required deference to UT. Absent deference, Judge Garza

saw no constitutional justification for UT's program, which classified every applicant by race, yet "had an infinitesimal impact on critical mass in the student body as a whole." App. 253a. Judge Garza estimated that the number of enrolled underrepresented minority students ultimately admitted because of race could amount to no more than 1% of the freshman class, or about 55 students. App. 251a. As a result, race had been "completely ineffectual in accomplishing [UT's] claimed [classroom-diversity] interest." App. 252a.

The Fifth Circuit denied en banc review by a vote of 9-7. In her dissent, then-Chief Judge Jones objected to deferential review and concluded that UT's system could not be sustained under traditional strict scrutiny. App. 320a-30a. UT's use of race was "gratuitous" as it produced only a "tiny" increase in minority admissions. App. 328a. Judge Jones also concluded that the classroom diversity rationale was "without legal foundation, misguided and pernicious to the goal of eventually ending racially conscious programs." App. 330a.

This Court granted review. JA 64a. Before this Court, UT fundamentally changed its legal strategy. In its merits brief and at oral argument, UT: (1) conceded that deference does not apply to narrow tailoring; and (2) abandoned reliance on state demographic and classroom diversity as compelling interests. Regarding demographics, UT took the position that it "does not use its admissions process to work backwards toward any demographic target—or, indeed, any target at all." Brief of Respondents 20, *Fisher v. Univ. of Texas at Austin*, No. 11-345 (U.S. Aug. 6, 2012) ("*Fisher I* Resp. Br."); *see also id.* at 28-29. Regarding classroom diversity, UT claimed to

have "never asserted a compelling interest in any specific diversity in every single classroom." Transcript of Oral Argument ("Oral Arg. Tr.") at 34:20-22; *see also Fisher I* Resp. Br. 39 ("UT's objective was far broader than the interest in 'classroom diversity' attacked by petitioner.").

In their place, UT asserted an entirely new interest in "diversity *within* racial groups." *Fisher I* Resp. Br. 33. For the first time, UT argued it needs racial preferences to enroll minorities with uniquely desirable individual traits. *Id.* 33-34. For example, UT argued that the use of racial preferences would allow it to select minority students from "integrated high school[s]" and more affluent socio-economic backgrounds over those who are the "first in their families to attend college." *Id.* Doing so would "dispel stereotypical assumptions" instead of "reinforc[ing]" them. *Id.* 34. Petitioner objected to UT's reliance on this new interest for the first time in this Court as too late and as invalid under strict scrutiny in any event. Reply Brief of Petitioner 12-14, *Fisher v. Univ. of Texas at Austin*, No. 11-345 (U.S. Sept. 5, 2012).

This Court vacated the Fifth Circuit's decision, flatly rejecting deferential review. *Fisher I*, 133 S. Ct. 2411. Having done so the Court remanded, instructing the Fifth Circuit to review the summary judgment record under traditional strict scrutiny. *See id.* at 2421. That, in turn, required a determination of "whether the University has offered sufficient evidence that would prove that its admissions program is narrowly tailored to obtain the educational benefits of diversity." *Id.* The Fifth Circuit was instructed, in sum, to look to "the record—and not 'simple ... assurances of good intention.'" *Id.* (quoting *Croson*, 488 U.S. at 500).

The Court further explained that "[s]trict scrutiny is a searching examination" and UT "bears the burden to prove 'that the reasons for any racial classification are clearly identified and unquestionably legitimate.'" *Id.* at 2419 (quoting *Croson*, 488 U.S. at 505). "Strict scrutiny" therefore requires UT "to demonstrate with clarity that its purpose or interest is both constitutionally permissible and substantial, and that its use of the classification is necessary ... to the accomplishment of that purpose." *Id.* at 2418. That means that deference to UT is confined to the setting of educational goals, racial balancing is forbidden, *id.* at 2419, and "the reviewing court [must] verify that it is 'necessary' for a university to use race to achieve the educational benefits of diversity," *id.* at 2420. In the end, "[t]he reviewing court must ultimately be satisfied that no workable race-neutral alternatives would produce the educational benefits of diversity." *Id.*

### C. Proceedings on Remand

On remand, the Fifth Circuit again affirmed the grant of summary judgment to UT. As it had before this Court, UT defended its use race on remand exclusively under the new "diversity within diversity" or "intra-racial diversity" rationale.[4] Indeed, UT went so far as to say that the "objectives" of "demographic parity" and "classroom diversity" had been "concocted by Fisher." Supplemental Br. for Appellees 39, *Fisher v. Univ. of Tex. at Austin*, No. 09-50822 (5th Cir. Oct. 25, 2013). The Fifth Circuit accepted UT's new interest in "intra-racial diversity,"

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4. UT also raised the same standing argument it had raised before this Court. *Fisher I* Resp. Br. 16-17 n.6. The majority held the mandate rule foreclosed the argument. App. 8a-10a. Judge Garza rejected the argument on the merits. App. 57a-60a.

allowing UT to put aside the interests it had set forth in the Proposal and at prior stages of the case.

The Fifth Circuit framed UT's new diversity interest as one in enrolling a sufficient number of minorities from "integrated" high schools with superior socio-economic backgrounds. App. 31a-40a. The court acknowledged that UT's prior race-neutral AI/PAI system, combined with the Top 10% Law, had produced a substantial enrollment of underrepresented minority students and could achieve any critical-mass goal defined by numbers. App. 41a. The court did not address the *Parents Involved* problem raised by the negligible effect the use of racial preferences had on minority enrollment. Instead, the court found that UT's new interest "is not a further search for numbers but a search for students of unique talents and backgrounds," App. 40a, and that critical mass "goes astray when it drifts to numerical metrics," *id.*

The Fifth Circuit endorsed UT's claimed need to enroll underrepresented minority students from high-performing, majority-white high schools who "bring a perspective not captured by" students admitted through the Top 10% Law. App. 39a; *see also* App. 47a (asserting a need for "minorities with the experience of attending an integrated school with better educational resources"). The court found race-neutral alternatives unworkable because the Top 10% Law tends to admit "large numbers of [minority] students from highly segregated, underfunded, and underperforming schools." App. 38a.

The majority was critical of the Top 10% Law for "draw[ing] heavily from the population concentrations of the three major metropolitan areas of Texas—San

Antonio, Houston, and Dallas/Fort Worth," App. 35a, emphasizing that many of the school districts in those regions are comprised of "economically disadvantaged" African-American and Hispanic students, App. 36a, 38a. While not meaning "to demean the potential of Top Ten admittees," the court accepted UT's assumption that students from those communities, as a group, lacked the "unique talents and backgrounds [that] can enrich the diversity of the student body in distinct ways." App. 39a-40a.

To substantiate these group-based conclusions, the court conducted its own research, mostly from Internet sources. Based on its independent research, the Fifth Circuit concluded that students admitted under the Top 10% Law do not have the "unique talents and higher scores," App. 48a, required to "enrich the diversity of the student body," App. 40a. It further found that their admission is "measured solely by class rank in largely segregated schools," App. 49a, that do not offer "the quality of education available to students at integrated high schools," App. 35a.

With respect to narrow tailoring, the Fifth Circuit rejected all of Petitioner's arguments. The court found that the Top 10% Law was not a workable alternative because of its qualitative shortcomings. App. 41a. As to the argument that reliance on socioeconomic factors was an alternative, it concluded that courts "are ill-equipped to sort out race, class, and economic structures" and that race must be the criteria for admission until "skin color is no longer an index of prejudice." App. 46a. Ultimately, the court held that UT's system is narrowly tailored because it does not operate as a quota and is used as a part of a holistic admissions system. App. 51a.

Judge Garza dissented. App. 57a-90a. In his view, the Fifth Circuit had again "defer[red] impermissibly to [UT's] claims" and, absent deference, UT could not prevail. App. 57a. For several reasons, Judge Garza rejected UT's new claim that racial preferences are required to "promot[e] the *quality* of minority enrollment—in short, diversity within diversity" by identifying "the most 'talented, academically promising, and well-rounded' minority students." App. 73a.

First, Judge Garza found that UT did not establish that such an interest is compelling. The "stated ends are too imprecise to permit the requisite strict scrutiny analysis," App. 74a, because there is simply no way for a court "to determine when, if ever, [this] goal (which remains undefined) for qualitative diversity will be reached," App. 78a.

Second, Judge Garza faulted the majority for failing to require evidence from UT that racial preferences are needed to further that interest, even if it were cognizable. UT did not investigate, evaluate, or "assess whether Top Ten Percent Law admittees exhibit sufficient diversity within diversity ... before deploying racial classifications to fill the remaining seats." App. 74a. Instead, UT created a litigation position that requires the court "to assume that minorities admitted under the Top Ten Percent Law ... are somehow more homogenous, less dynamic, and more undesirably stereotypical than those admitted under holistic review." App. 75a. That assumption alone is "alarming" as it "embrace[s] the very ill that the Equal Protection Clause seeks to banish" by stereotyping students solely because they reside in "majority-minority communities." App. 76a. It also was unsupported by any

"evidence in the record," which strict scrutiny requires. App. 75a.

The Fifth Circuit denied rehearing en banc by a vote of 10-5. App. 95a. Joined by four dissenting judges, Judge Garza reiterated the objections to UT's program that he detailed in his panel dissent. App. 97a-98a. This Court granted review on June 29, 2015.

## SUMMARY OF ARGUMENT

The question presented is straightforward: whether UT's use of race in admissions is "narrowly tailored to further compelling governmental interests." *Fisher I*, 133 S. Ct. at 2419. UT's use of race in admissions must fall under this standard. As a threshold matter, in order to use race to favor some applicants over others, like Abigail Fisher, UT needed to meet certain preconditions. UT failed to meet any of them.

First, a university must articulate a compelling interest in educational diversity with clarity. A reviewing court cannot perform strict scrutiny if it does not know the precise reasons why a university believes the use of race is necessary. Only a clear articulation of the precise goal permits a reviewing court to ensure the stated purpose is "both constitutionally permissible and substantial." *Fisher I*, 133 S. Ct. at 2418 (quoting *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 299 (1978) (Powell, J.)). Here, UT has *never* been clear about precisely why it needs to use racial preferences. That was certainly true of the previous interests in demographic parity and classroom diversity. And it is equally true, as Judge Garza trenchantly explained, of UT's new "intra-racial diversity" rationale.

Such a vague and untestable reason could never survive strict-scrutiny review.

Second, a university must set forth its clearly-articulated reason at the time it makes the decision to use racial preferences—not nine years after the policy change and four years into litigation. *See Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 730 (1982). A shift in rationale is a telling concession that the prior goal (or the program implementing it) could not pass constitutional muster. Here, "intra-racial" diversity was *never even mentioned* in the Proposal—let alone as the basis for the decision to reintroduce race. It did not appear in this case until UT's merits brief in *Fisher I*. Allowing UT to rely on this post-hoc rationale for its use of race would violate a bedrock rule of strict scrutiny.

Third, a university must have evidence sufficient to show that the reason given for using race is compelling, that it is necessary to use race to achieve that interest, and that the chosen means are narrowly tailored. Actual evidence, rather than overbroad generalizations about the value of favored or disfavored groups, is necessary to ensure that the alleged interest was substantial enough to justify the use of race. *Fisher I*, 133 S. Ct. at 2418. Given that it did not invent the "intra-racial diversity" rationale until mid-litigation, UT has *no* evidence to support it. UT had every opportunity to bring forth evidence to support its use of race. Its failure to do so dooms its policy under strict scrutiny.

On this point, the Fifth Circuit's resort to its own factfinding to justify UT's policy is telling, if not decisive. Without any competent evidence in the record to support

UT's invented "intra-racial diversity" rationale, the *only* way to sustain UT's program was to engage in appellate factfinding based on the court's own Internet research. Even in ordinary cases, that would be inappropriate. It is inexcusable when the case involves the government's use of racial classifications.

Even if UT's "intra-racial diversity" interest could meet all these requirements, however, it still cannot survive strict-scrutiny review. To begin, this alleged interest relies on nothing more than a naked assumption that, as a group, minority students admitted via the Top 10% Law are less able to contribute to diversity than their non-Top-10% counterparts simply because they tend to come from poorer communities and majority-minority schools. UT never provided any support for its pernicious assumption that only those minority students from well-funded, mostly white high schools possess the talents and backgrounds necessary for UT to achieve a diverse student body. Nor could it; this kind of simplistic stereotyping about certain "groups" has long been recognized as incompatible with the Constitution's equal-protection guarantee.

Assuming *arguendo* that UT's assumptions could constitute a compelling interest, UT failed to show that race-neutral means could not achieve this supposed interest. Specifically, UT failed to show that its pre-existing race-neutral admissions program could not achieve the desired level of diversity. Indeed, UT administrators make *no* qualitative assessment of the minority students admitted in the Top 10%, and thus have no idea whether that race-neutral plan is capable of generating the "intra-racial diversity" that UT claims is essential. Given UT's failure to make even this most basic

inquiry, it cannot meet its burden of demonstrating the lack of race-neutral alternatives.

In fact, the evidence that is available on this question suggests that African-American and Hispanic students admitted under the Top 10% Law fare *better* when it comes to admission to highly competitive degree programs at UT. But even if UT sincerely believed that the African-American and Hispanic students admitted under the Top 10% Law were not, as a group, sufficiently diverse, it could take other steps to admit more students from affluent high schools before turning to the use of race. UT, for example, could have eliminated socio-economic and other preferences it uses to give a boost to poorer students. Or it could have awarded a preference to students from high-performing schools or to students with higher SATs. UT's failure to deploy these options before turning to race is fatal on strict-scrutiny review.

UT's claim for the need to achieve "diversity within diversity" is also a far cry from Justice Powell's limited endorsement of racial preferences in *Bakke*. UT's "holistic" admissions process is not using race to make head-to-head, comparative decisions between qualified applicants when there are only "a few places left to fill" in an entering class. *Bakke*, 438 U.S. at 324 (Appendix to opinion of Powell, J.). UT is deploying race as a universal factor affecting the score of every applicant. UT's invocation of *Bakke* thus cannot excuse its across-the-board deployment of race in the application process.

Finally, UT has abandoned its previously-asserted interests in state demographics and classroom diversity. As a consequence, they are not before the Court. Moreover,

UT was wise to let them go. Neither state demographics nor classroom diversity is a compelling interest. And, UT's interest in classroom diversity could never be implemented in a narrowly tailored way. Enrollment in most individual classes at UT is voluntary. Short of assigning all students a fixed course of study—an option in which UT has never expressed interest—there is simply no constitutional way to ensure that UT's preferred level of classroom diversity would be achieved.

Nor could UT justify using the purported lack of classroom diversity as a "red flag" to show it lacked diversity in its student body. Because of the Top 10% Law, UT is one of the most diverse public universities in the country. Once that level of diversity was achieved, the "minimal impact" of racial preferences on minority enrollment necessarily "casts doubt on the necessity of using such classifications," especially where race-neutral alternatives would have worked about as well. *Parents Involved*, 551 U.S. at 734. UT could have achieved similar gains through a number of race-neutral means, such as expanded outreach, uncapping the Top 10% Law, or making greater use of socioeconomic preferences.

In the end, the Fifth Circuit applied strict scrutiny in name only. This was directly contrary to this Court's clear instructions in *Fisher I*. Strategically vague policies, shifting rationales, and stereotypical assumptions about the quality of high-achieving students in majority-minority or poor high schools should not be permitted to defeat Ms. Fisher's individual right to equal protection. That should have been clear from *Fisher I*. But the Fifth Circuit's decision proves that a definitive resolution is needed. This Court thus should enter judgment for Ms. Fisher—

not only because the Court's decisions and the record require it, but also to counteract the evident reluctance of university admissions officers and lower courts to heed this Court's warnings that "racial classifications ... be subjected to the 'most rigid scrutiny.'" *Fisher I*, 133 S. Ct. at 2419 (quoting *Loving v. Virginia*, 388 U.S. 1, 11 (1967)).

## ARGUMENT

### I. UT's Rationale For The Use Of Race Lacks The Requisite Clarity To Survive The Application Of Strict Scrutiny.

Since *Brown v. Board of Education of Topeka*, 347 U.S. 483, 495 (1954), it has been settled that "distinctions between citizens solely because of their ancestry are by their nature odious to a free people," *Fisher I*, 133 S. Ct. at 2418 (citation and quotations omitted). "Because racial characteristics so seldom provide a relevant basis for disparate treatment, the Equal Protection Clause demands that racial classifications ... be subjected to the most rigid scrutiny." *Id.* (citations and quotations omitted). Thus, "when government decisions 'touch upon an individual's race or ethnic background,'" as here, she "'is entitled to a judicial determination that the burden [s]he is asked to bear on that basis is precisely tailored to serve a compelling government interest.'" *Id.* at 2417 (quoting *Bakke*, 438 U.S. at 299 (Powell, J.)).

At the same time, the Court has held that "the interest in the educational benefits that flow from a diverse student body" permit a university to use racial preferences under limited circumstances. *Id.* This narrow exception to the Equal Protection Clause's "moral imperative of

racial neutrality," *Croson*, 488 U.S. at 518 (Kennedy, J., concurring in part and concurring in the judgment), is permissible only so long as strict scrutiny remains capable of safeguarding the personal right to equal protection. That is, "meaningful" judicial review is a "precondition" to the recognition of this interest. *Id.*; *Grutter*, 539 U.S. at 387 (Kennedy, J., dissenting). "Structural protections may be necessities" if the courts are unable to rigorously scrutinize "each racial preference that is enacted." *Croson*, 488 U.S. at 518 (Kennedy, J., concurring in part and concurring in the judgment).

Meaningful review is not possible, though, if the reviewing court does not understand the nature and scope of both the university's asserted educational interest and the deficiency that the use of race is intended to remedy. For that reason, the Court demands that the university "demonstrate with clarity that its purpose or interest is both constitutionally permissible and substantial, and that its use of the classification is necessary ... to the accomplishment of its purpose." *Fisher I*, 133 S. Ct. at 2418-19 (citations and quotations omitted). Only then can a court: (1) "'smoke out' illegitimate uses of race by assuring that [the university] is pursuing a goal important enough to warrant [such] a highly suspect tool," *Croson*, 488 U.S. at 493; (2) assess whether "the means chosen 'fit' [the] compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate racial stereotype," *id.*; and (3) ensure that the use of race is "a last resort," *id.* at 519 (Kennedy, J., concurring in part and concurring in the judgment).

UT has failed at every stage of this case to meet this important obligation to clearly describe and support

the basis for its decision to use racial preferences. UT's Proposal, which set forth the "actual purpose[s]" for reintroducing racial preferences, *Shaw v. Hunt*, 517 U.S. 899, 908 n.4 (1996), offered two justifications for its policy change: (1) aligning the racial makeup of its student body with the racial demographics of the State; and (2) achieving so-called "classroom diversity." *See supra* at 7-8. But even with respect to these articulated goals, UT was far from clear about what its precise interest was and when it would be met.

For instance, while the Proposal clearly asserted an interest in demographic parity, UT's description of that interest changed as the litigation progressed. UT first claimed that demographic parity is itself a compelling interest and acknowledged that it used demographics as the benchmark to determine which racial groups are under- and over-represented in its student population and thus entitled to or excluded from (as is the case for Asian Americans) racial preference. App. 301a. UT later retreated, eventually claiming that it paid "limited attention" to demographic imbalances and was not using race "so that its undergraduate population directly mirrors the demographics of Texas." App. 191a-97a.

UT ultimately chose to dilute the demographic interest presented in its Proposal to a vague and undefined concept: that it seeks only to reduce, not eliminate, "the degree of disparity" between its minority enrollment and state demographics. App. 197a. Such an undefined goal cannot be subjected to strict scrutiny. There is simply no way for a court to know what specific "demographic" interest UT was pursuing, why a race-neutral alternative could not achieve that interest, and when that "demographic" goal

would be satisfied. UT's equivocation undermines any claim that an asserted interest in demographic parity is "both constitutionally permissible and substantial." *Fisher I*, 133 S. Ct. at 2418.

UT similarly equivocated regarding its "classroom diversity" rationale throughout this litigation.[5] The Proposal claimed a compelling interest in ensuring that each classroom of five or more students had at least two African Americans, two Hispanics, and two Asian Americans. *See supra* at 7. At times, UT adhered to its position that it "still [had] not reached a critical mass at the classroom level." App. 212a (citations and quotations omitted). But given how "unachievable and unrealistic" that objective was, App. 321a (Jones, J., dissenting from denial of rehearing en banc), UT eventually took the view that classroom diversity was merely a "red flag that UT had not yet fully realized its constitutional interest in diversity," Resp. Br. 43. UT has still not identified a level of classroom diversity that it deems sufficient, leaving its "red flag" interest incapable of strict-scrutiny review. A court cannot evaluate whether UT's classrooms could be diversified through non-racial means based on an unclear "red flag" benchmark, or determine when that "red flag" will disappear.

These problems seemingly are what led UT, without any formal acknowledgement, to abandon the Proposal's stated objectives, *see infra* at 43-47, and assert that both

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5. *Compare, e.g.*, Tr. of Oral Arg., *Fisher v. Univ. of Texas at Austin*, No. 08-263 (W.D. Tex.) (Doc. 118), at 38:4-39:14, *with* Letter, *Fisher v. Univ. of Texas at Austin*, No. 08-263 (W.D. Tex.) (Doc 113).

had been "concocted by Fisher," *see supra* at 16. In their place, UT now claims that its interest has always been in improving "intra-racial diversity," an interest that appeared for the first time on appeal. But, as would be expected for a litigation-conjured objective, it suffers from an even greater lack of clarity than the now abandoned interests preceding it.

Intra-racial diversity is not a "clearly identified" educational goal that would allow a court to determine "whether the means chosen by the University to attain diversity are narrowly tailored to that goal." *Fisher I*, 133 S. Ct. at 2419-20. As Judge Garza stressed in dissent, UT "has not provided any concrete targets for admitting more minority students possessing these unique qualitative-diversity characteristics—that is, the 'other types of diversity' beyond race alone." App. 73a. Nor has UT identified what diverse characteristics are supposedly lacking in Top 10% minority admittees, other than wealth and education in predominantly white high schools. And, finally, UT has not identified "[a]t what point ... this qualitative diversity target [would] be achieved." *Id.* UT "offers no method for this court to determine when, if ever, its [intra-racial diversity] goal (which remains undefined) ... will ever be reached." *Id.* 77a. As a result, UT's "diversity within diversity" interest is just "too imprecise to permit the requisite strict scrutiny analysis." *Id.* 73a-74a.

*Fisher I* did not demand "clarity" from UT for form's sake. "The Constitution cannot confer the right to classify on the basis of race even in this special context absent searching judicial review." *Grutter*, 539 U.S. at 395 (Kennedy, J., dissenting). That review cannot be conducted

without clearly defined objectives. Accepting UT's amorphous "diversity within diversity" interest would limit courts to the same "good faith" deferential review this Court rejected in *Fisher I*. In other words, if UT is permitted to determine for itself when its intra-racial diversity goals are met, there will be no way for courts to "'smoke out'" whether its use of race is "illegitimate." *Croson*, 488 U.S. at 721. Nor will there be any way to independently determine that race is being used "as a last resort." *Id.* at 519 (Kennedy, J., concurring in part and concurring in the judgment). UT's lack of clarity therefore dooms its effort to rely on any interest in intra-racial diversity as a defense for its use of race.

## II. UT's Post-Hoc Asserted Interest In Intra-Racial Diversity Cannot Survive Strict Scrutiny.

Setting aside UT's failure to satisfy the "clarity" requirement, UT's mid-litigation assertion of an intra-racial diversity interest still cannot survive strict-scrutiny review. First, the interest contravenes a basic ground rule of strict scrutiny: that the asserted justification is the actual rationale for the decision to use racial classifications and is substantiated by the evidentiary record. Second, the interest fails strict scrutiny on the merits: UT's use of race in the pursuit of intra-racial diversity is not narrowly tailored to advance a compelling government interest.

### A. UT's Belatedly Raised Intra-Racial Diversity Interest Does Not Comply With The Ground Rules Of Strict Scrutiny.

Strict scrutiny imposes two ground rules that are preconditions to judicial review. First, the interest must

be "the actual [reason] underlying the discriminatory classification," *Mississippi Univ. for Women*, 458 U.S. at 730, not a post-hoc rationalization for classifications imposed on different grounds, *United States v. Virginia*, 518 U.S. 515, 535-36 (1996). "The justification," that is, "must be genuine, not hypothesized or invented *post hoc* in response to litigation." *Id.* at 533; *see also Shaw*, 517 U.S. at 908 n.4 ("[A] racial classification cannot withstand strict scrutiny based upon speculation about what 'may have motivated' the [government]."). A change in reasoning in the middle of litigation indicates that the justification was "motivated by illegitimate notions of racial inferiority or simple racial politics." *Croson*, 488 U.S. at 493.

Second, the university must produce evidence "to support [its] conclusion" that the use of race was necessary to achieve its asserted goal "at the time it acted." *Shaw*, 517 U.S. at 915. "[O]verbroad generalizations about the different talents [and] capacities" of the favored and disfavored groups do not suffice. *Virginia*, 518 U.S. at 533. In other words, the university must marshal "empirical evidence," *Grutter*, 539 U.S. at 388 (Kennedy, J., dissenting), supporting its conclusion, and it must do so "before it implements the classification," *Shaw*, 517 U.S. at 908 n.4; *see, e.g.*, *Mississippi Univ. for Women*, 458 U.S. at 729-30 & n.16 (invalidating a gender classification because the State "made no showing" of "discriminatory barriers faced by women"). In sum, employing race without contemporaneous evidence supporting the actual rationale indicates that the alleged interest is "too amorphous, too insubstantial" a basis to justify racial classifications. *Metro Broad., Inc. v. FCC*, 497 U.S. 547, 612 (1990) (O'Connor, J., dissenting).

Honoring these ground rules ensures that strict scrutiny is "real, not feigned." *Grutter*, 539 U.S. at 394 (Kennedy, J., dissenting). Indeed, to ignore these ground rules would be to reduce the strict-scrutiny analysis to rational-basis review. *See Railroad Retirement Bd. v. Fritz*, 449 U.S. 166, 179 (1980) (explaining that, under rational-basis review, it is "constitutionally irrelevant [what] reasoning in fact underlay the ... decision") (citation and quotations omitted); *Heller v. Doe*, 509 U.S. 312, 320-21 (1993) (explaining that, under rational basis review, there is "no obligation to produce evidence to sustain [the] rationality" of the classification as the "burden is on the one attacking [it] to negative every conceivable basis which might support it, whether or not the basis has a foundation in the record"). This is the deferential review the Court's *Fisher I* decision rejected.

UT's invocation of intra-racial diversity fails both requirements. First, the Proposal did not set forth any interest in intra-racial diversity. UT instead claimed that it was reintroducing racial preferences to achieve demographic parity and classroom diversity. *See supra* at 7-8. UT tries to manufacture a hook for its intra-racial diversity interest in its Proposal, but it can only point to two sentences that say nothing about this newfound interest. Brief in Opposition ("BIO") 23. Both simply parrot *Grutter*. The first does so word-for-word. *See* SJA 1a (quoting *Grutter*, 539 U.S. at 330). The second paraphrases a single sentence from the decision. *Compare* SJA 23a, *with Grutter*, 539 U.S. at 337. Further, the quotations from *Grutter* say nothing about intra-racial diversity. They concern the way applications are processed and the need to use race in an "individualized" way—not a university's claimed justification for having not reached critical mass.

More fundamentally, the idea that two sentences plucked from UT's 39-page Proposal constitute the actual reasons for UT's resort to racial preferences is untenable. They could never even begin to establish that UT studied whether the pre-2004 race-neutral system led to a deficiency in intra-racial diversity, much less how adding race to the PAI factors would somehow remediate that supposed problem. The Proposal simply does not justify the reintroduction of racial preferences based on intra-racial diversity.

It is understandable why UT chose to change its rationale for racial preferences once forced to defend its system under traditional strict scrutiny. *See infra at* 43-47. That the handwriting was on the wall, however, neither licensed UT to defend its program on a post-hoc rationale nor empowered the Fifth Circuit to countenance that maneuver. UT's decision to rely on a rationale that was invented years after Ms. Fisher's application was denied by UT (and even longer after UT made the decision to inject race into its PAI calculus) must be rejected. Indeed, the judgment below could be reversed on this basis alone.

Second, UT never offered any evidence—much less contemporaneous evidence—that it chose to employ race as a factor in admissions decisions in order to compensate for a lack of intra-racial diversity. Applying the settled contemporaneous-evidence requirement to this case, *Shaw*, 517 U.S. at 908 n.4; *Hogan*, 458 U.S. at 730 & n.16, this Court instructed the Fifth Circuit on remand to "assess whether [UT] *has offered* sufficient evidence that would prove that its admissions program is narrowly tailored to obtain the educational benefits of diversity," *Fisher I*, 133 S. Ct. at 2421 (emphasis added). The Court

emphasized that UT's defense of its use of race must be based on "this record." *Id.* Not surprisingly, UT could point to *no* record evidence, let alone strong evidence, to substantiate its assertion—invented while this case was on appeal—that it had an unmet need for intra-racial diversity.

The studies underlying the Proposal purported to show that UT was failing to meet its demographic and classroom diversity goals. *See id.* at 2416. Critically, then, the Proposal did not mention intra-racial diversity, let alone point to or rely on evidence of any deficiency with respect to any such interest. And UT, despite having every opportunity to develop the record, never produced any such evidence during discovery nor submitted any other contemporaneous evidence to substantiate this interest during the summary judgment proceedings. *See supra* at 19-20. The summary judgment record, therefore, neither asserts this intra-racial diversity interest as the reason for using racial preferences in 2008 nor includes any evidence substantiating the need to use race in pursuit of this post-hoc rationale.

That UT had no evidence on this point is the very reason why the Fifth Circuit "ventur[ed] far beyond the summary judgment record," App. 75a n.15 (Garza, J., dissenting), and conducted its own research in an attempt to engineer a factual basis for UT's intra-racial diversity goal, *see* App. 24a n.70, App. 25a n.73, App. 32a-33a nn.97-98, App. 34a n.101, App. 35a-38a nn.103-120, App. 43a nn.123-26. But that was improper. As explained above, strict scrutiny prohibits this kind of judicial freelancing. Worse still, the Fifth Circuit's factfinding expedition violated this Court's instructions to apply strict scrutiny

based on the reasons UT had given and based on the record, *Fisher I*, 130 S. Ct. at 2421, as well as basic rules of appellate procedure, *see Maine v. Taylor*, 477 U.S. 131, 144-45 (1986) ("Factfinding is the basic responsibility of the district courts, rather than the appellate courts."). Judgment in Ms. Fisher's favor thus is warranted. Even apart from the fact that UT's intra-racial diversity interest is an improper post-hoc rationale, there simply is no competent evidence to substantiate it.

### B. UT's Belatedly Raised Intra-Racial Diversity Interest Cannot Survive Strict Scrutiny In Any Event.

The Fifth Circuit's failure to follow the ground rules of strict scrutiny enabled it to endorse a novel interest in "intra-racial" diversity that foreclosed rigorous judicial review. UT bears the burden of demonstrating that its use of race "is precisely tailored to serve a compelling governmental interest." *Fisher I*, 133 S. Ct. at 2417. Subjecting intra-racial diversity to strict-scrutiny review demonstrates that UT's newfound rationale is not compelling and could not be implemented in a narrowly tailored manner.

Rigorous judicial review would have revealed that UT's alleged intra-racial diversity interest is stereotypical and far from compelling. Nothing in *Bakke*, *Grutter*, *Gratz*, or *Fisher I* supports this novel interest. It is not only too amorphous, *see supra* at 29-30, but the Fifth Circuit justified it based upon a naked assumption that, as a group, minority students admitted via the Top 10% Law are less able to contribute to diversity than their non-Top-10% counterparts simply because they tend to come

from poorer communities and majority-minority schools. *See supra* at 17-18. The Fifth Circuit accepted UT's group-based assumption that comparatively well-funded, predominately white high schools generate "students of unique talents and backgrounds who can enrich the diversity of the student body in distinct ways." App. 39a. Just as "[i]t cannot be entertained as a serious proposition that all individuals of the same race think alike," *Schuette*, 134 S. Ct. at 1634, it cannot be assumed that all minorities admitted via the Top 10% Law uniformly lack the "unique talents and backgrounds" UT claims to value, App. 40a.

UT appears willing to assume that this entire body of minority students lacks a "skill set" UT needs in order to achieve some version of diversity based on nothing more than minor differences in average SAT scores and an assumption that most are "economically disadvantaged" and were educated alongside very few, if any, white students. App. 36a. But these assumptions are as unproven as they are noxious. The Equal Protection Clause does not allow UT to "substitute racial stereotype for evidence, and racial prejudice for reason." *Calhoun v. United States*, 133 S. Ct. 1136, 1137 (2013) (Sotomayor, J., respecting denial of certiorari). This rank stereotyping is the "very ill that the Equal Protection Clause seeks to banish." App. 76a (Garza, J., dissenting).

Preferring minority students from wealthier, integrated backgrounds over minority students who have flourished despite economic hardships is at best counter-intuitive if not an outright distortion of the diversity rationale. The use of racial preferences in higher education was originally promoted as a way to open the door of opportunity for minority students

with limited access to educational resources. Moreover, favoring minority students from privileged backgrounds who have been educated at predominantly white schools is incompatible with the endorsement of "student body diversity" as a means of benefiting the education of all students by bringing together people with a variety of unique experiences and viewpoints. *Grutter*, 539 U.S. at 320. These wealthy minority students have the *same* experiences and viewpoints as the majority of UT's freshman class. The only difference is their race or ethnicity.

UT cannot advance its cause by framing its interest as helping it enroll the "African-American fencer" or "Hispanic ... who has mastered classical Greek," Oral Arg. Tr. 61:8-10. UT of course has never shown that its use of race has actually helped it enroll these hypothetical students. Nor could it. The use of race as a factor can no more ensure that UT will enroll fencers or Greek classicists than using "leadership" as a factor can ensure that UT will enroll concert pianists. The use of race as a factor in admissions can distinguish students only as to one trait—race; and it thus can serve only one goal—to boost quantitative racial diversity within the student body at UT. *See* JA 261a ("Q: What kind of diversity does the use of race as a factor in admissions promote? A: Using race in admissions helps us achieve racial diversity."). On this record, UT's use of race has failed in that pursuit. *See supra* at 9-10; App. 247a-51a (Garza, J.).[6]

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6. Using race to promote intra-racial diversity also pits minority students against each other contrary to *Grutter*. By focusing on "underrepresented minority students" as a group, *Grutter*, 539 U.S. at 316, 318, 319, 320, 335, 336, 338, 341, and defining critical mass in terms of those very same

Moreover, strict scrutiny requires that UT show that its asserted diversity interest cannot be satisfied through race-neutral means. *Fisher I*, 133 S. Ct. at 2420. ("The reviewing court must ultimately be satisfied that no workable race-neutral alternatives would produce the educational benefits of diversity."). UT must show, then, that the unidentified characteristics it seeks are uniquely present among minority applicants who are awarded racial preferences and gain admission through the "holistic" AI/PAI process because of them. Yet nothing in the record shows that the Top 10% Law actually enrolls more "economically disadvantaged" minority students who were educated in predominately minority high schools than does the AI/PAI review, much less that those students are incapable of contributing to a constitutionally legitimate form of diversity in the same manner as wealthy minorities from predominantly white schools. App. 74a-76a (Garza, J., dissenting). An array of unproven and counter-intuitive assumptions cannot satisfy UT's narrow tailoring burden.

Indeed, UT does not even "evaluate the diversity present in [the Top 10% Law] group before deploying racial classifications to fill the remaining seats" App. 74a. That is, UT "does not assess" whether Top 10% Law "admittees exhibit sufficient diversity within diversity, whether the requisite 'change agents' are among them, and whether these admittees are able, collectively or individually, to combat pernicious stereotypes." *Id.* UT instead asks the

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"underrepresented minorities," *id.* at 333, the Court disapproved of discrimination in admissions between and among those students in the preferred racial groups. *See id.* at 375 (Thomas, J., concurring in part and dissenting in part) ("[P]referring black to Hispanic applicants, for instance, does nothing to further the interest" in student-body diversity.).

Court "to *assume* that minorities admitted under the" Top 10% Law "are somehow more homogenous, less dynamic, and more undesirably stereotypical than those admitted under holistic review." App. 75a. But because UT "offers no evidence in the record to prove this," and because the assumption is itself noxious, the Court "must therefore refuse to make this assumption." *Id.* In short, UT's intra-racial diversity interest is not compelling, and even if it were, UT still has failed to substantiate the necessity of using racial preferences to achieve it.

Because it has no evidence of its own, UT will surely point to the facts the Fifth Circuit relied on in endorsing this interest. But the Fifth Circuit's own factfinding fares no better. The court compiled aggregate data showing only that certain Texas school "districts serve majority-minority communities" and produce lower average SAT scores than more integrated Texas high schools. App. 76a. It does not attempt to identify students from those districts that enrolled at UT or consider their individual characteristics. Instead, the Fifth Circuit's factfinding venture simply confirms that majority-minority communities exist and then accepts UT's "standing presumption that minority students admitted [from them] under the Top Ten Percent Law do not possess the characteristics necessary to achieve a campus environment defined by '[intra-racial] diversity.'" App. 76a-77a.

The Equal Protection Clause forbids courts, no less than litigants, from relying on "overbroad generalizations about the different talents, capacities, or preferences" of minority children based solely on the racial makeup of their community and average SAT scores. *Virginia*, 518 U.S. at 533. Such generalizations are not a substitute

for "persuasive evidence" that racial preferences are necessary to achieve diversity. *Id.* at 539. By accepting UT's decision to view minority students admitted via the Top 10% Law this way, "the majority engages in the very stereotyping that the Equal Protection Clause abhors." App. 77a (Garza, J., dissenting).

UT's use of racial preferences also fails narrow tailoring because UT's own AI/PAI system is at war with this alleged interest in intra-racial diversity. UT claims to need racial preferences to enroll more minority applicants from "high-performing" high schools who, "on average, have higher SAT scores than their Top-10% counterparts." *Fisher I* Resp. Br. 33-34. Yet UT has incorporated socioeconomic factors into its PAI calculus making it *more* difficult for those same "high-performing" students to secure admission. Further, UT's outreach and scholarship programs target "predominantly low-income student populations." App. 26a. UT cannot seriously claim that it needs to use racial preferences to enroll a cohort of minority applicants it has chosen to handicap in the application process.[7]

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7. The Fifth Circuit's criticism of the Top 10% Law for "skimming" the economically disadvantaged minority students from the schools in these underfunded school districts, App. 34a, is similarly at war with itself given that it applauds UT's race-neutral "outreach and scholarship efforts, App. 25a. Those programs are designed to attract students from those very same schools In particular, the Court lauded the Longhorn Opportunity Scholarship Program, which is designed to boost enrollment of underrepresented minorities by guaranteeing scholarships to Top 10% "graduates of certain high schools throughout Texas that had predominantly low-income student populations and a history of few, if any, UT Austin matriculates," App. 26a; the

UT also has argued that using race in holistic admissions "giv[es] high scoring minority students a better chance of gaining admission to [UT's] competitive academic departments" than does the Top 10% Law. App. 49a. But the record demonstrates that, from 2005 to 2007, "underrepresented" minorities admitted via the Top 10% Law were accepted into the most competitive programs at substantially higher rates than minority students admitted through the holistic admissions process. In fact, no African American admitted holistically was accepted into UT's highly competitive Business, Communications, or Nursing programs from 2005 to 2007. At the same time, nearly half of all African Americans admitted via holistic review were cascaded into undeclared Liberal Arts. SJA 63a, 166a; Exhibit 24 to Pl.'s Mot. for Summ. J. at Tables 7d, 7e, *Fisher v. Univ. of Texas at Austin*, No. 08-263 (W.D. Tex.) (Doc. 94-27). It thus is UT's race-based holistic admissions—not the Top 10% Law—that has "clustering tendencies." App. 49a. These statistics demonstrate more broadly that underrepresented minority students admitted through the Top 10% Law are at least as qualified, if not more so, than underrepresented minority students admitted through holistic AI/PAI review.

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First Generation Scholarship Program, which targets "applicants who are the first in their family to attend college," App. 27a; the opening of admissions centers and holding of recruitment events in Dallas, San Antonio, Houston, and other areas of the State with high concentrations of underprivileged minority students, App. 27a; and the creation of a Financial Aid Outreach Group, which was designed to convince low-income students to attend UT by educating them about the financial aid and support offered by the university, App. 29a.

UT's AI/PAI system does not even remotely advance its claimed interest. If UT wished to enroll more minority students from affluent communities, it could have eliminated from the PAI calculation the socio-economic and other preferences that operate to their disadvantage. UT also could have awarded a preference to students from high-performing schools or made the AI scoring (which takes SAT performance into account) a greater factor in admissions decisions. Any or all of these race-neutral policies could have increased the relative admission chances of affluent minority applicants as much or more than layering racial preferences on top of UT's preexisting AI/PAI system. Strict scrutiny imposes on UT "the ultimate burden of demonstrating, *before turning to racial classifications*, that available, workable race-neutral alternatives do not suffice." *Fisher I*, 133 S. Ct. at 2420 (emphasis added). UT has not met that burden.

Finally, UT tries to salvage its intra-racial diversity interest by pointing to *Bakke*. BIO 22-25. But UT's process bears no resemblance to the plan Justice Powell endorsed in *Bakke*. Justice Powell suggested that the use of race to make comparative decisions between qualified applicants when there were "a few places left to fill" in an entering class could be justified under a diversity rationale. *Bakke*, 438 U.S. at 324 (Appendix to opinion of Powell, J.). But *Bakke* assumed individualized admissions decisions where race is employed at the margins in head-to-head comparison of specific applicants rather than a mechanical scoring system where race is a universal factor. *Bakke* never contemplated the wholesale use of race in the scoring of all applicants. At most, then, *Bakke* might have applied had UT used an admissions system where a limited pool of applicants for a small number of places

was individually evaluated and where race was employed as a tiebreaker. *See Grutter*, 539 U.S. at 387 (Kennedy, J., dissenting).

But UT did not choose that path. It opted instead for a blunderbuss approach. The undisputed record shows that UT labels and scores each one of its approximately 30,000 applicants by race and then plots each on a grid based on their AI and (race-affected) PAI scores. *See Fisher I*, 133 S. Ct. at 2416. At the actual decision point, all that is displayed in each cell of the grid is the number of applicants with like AI and PAI scores. UT then selects applicants for admission by a mechanical line-drawing process based upon the number of students in each cell, not by hand-picking them based upon a head-to-head comparison. App. 102a-03a; *see also* JA 263a ("When we're evaluating the cell, we're not evaluating individual files at that point ... we're making decisions on the number of students that are within that cell[.]"). Put simply, UT makes mechanical, score-driven, admissions decisions where race is a universal scoring element. That and the admissions system Justice Powell endorsed in *Bakke* could not differ more.

## III. UT Appropriately Has Abandoned Its Representational And Classroom-Diversity Interests Because Neither Could Have Survived Traditional Strict-Scrutiny Review.

Although UT's Proposal rested on demographic parity and classroom-diversity rationales, UT since has abandoned those interests as defenses for its use of race in admissions decisions. *See supra* at 14. UT therefore can no longer rely on them. *See Wood v. Milyard*, 132 S.

Ct. 1826, 1830 (2012). In waiving those arguments, UT has tacitly (but correctly) admitted that neither interest is compelling or could be furthered by the use of racial preferences in a narrowly tailored way.

UT's now-abandoned interests are not compelling. UT's demographic proportionality objective is not a pursuit of "critical mass" but "simply to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin." *Grutter*, 539 U.S. at 329. This is nothing more than "outright racial balancing," which this Court has held "patently unconstitutional." *Fisher I*, 133 S. Ct. at 2419. The Fifth Circuit, in its vacated opinion, suggested that reliance on demographics was nothing more than paying "measured attention to the community [UT] serves." App. 194a. But this Court has always rejected the use of race to advance the general welfare of society. *Croson*, 488 U.S. at 499-50; *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267, 276 (1986); *Bakke*, 438 U.S. at 288-89 (Powell, J.). A generalized societal interest has "no logical stopping point" and is far "too amorphous a basis for imposing a racially classified remedy." *Wygant*, 476 U.S. at 276; *Croson*, 488 U.S. at 499-50.

Nor is an interest in classroom diversity compelling. "The pernicious impact of aspiring to or measuring 'diversity' at the classroom level seems obvious upon reflection," as it ensures "no stopping point for racial preferences despite the logical absurdity of touting 'diversity' as relevant to every subject taught at [UT]." App. 329a (Jones, J., dissenting from denial of rehearing en banc). Ensuring diversity in each of the thousands of classrooms throughout the university thus goes far beyond

the interest endorsed as compelling in *Grutter*. Moreover, UT's definition of classroom diversity—having at least two African-American, two Hispanic, and two Asian-American students present, *see supra* at 7—is literally unattainable in classes of five and practically so in many other small classes. That this metric appears designed to achieve a particular outcome confirms that it is not compelling.

Even if an interest in classroom diversity were compelling, it could never be implemented in a narrowly tailored way. As UT's own experience demonstrates, a university can have a sizable minority enrollment but, due to factors outside the control of the admissions office, still have many individual classes with fewer minority students than it desires. If UT seriously attempted to produce classroom diversity, it would need to either (1) institute a fixed curriculum to ensure that each classroom mirrored the racial makeup of the overall class, (2) require some students to enroll (or prevent others from enrolling) in specific schools or majors, or (3) make race so dominant in admissions decisions that it floods the system with enough minority students to solve the problem. UT has not expressed any interest in the first option and the other two are patently unconstitutional. Hence, there are no "means" available to UT that can be narrowly tailored to the "end" of classroom diversity.

There are several additional reasons why UT's abandoned interests fail narrow tailoring. UT has not met its burden of demonstrating why it has not yet achieved critical mass or provided any evidentiary basis—let alone a "strong" one—for its untenable conclusion that minority enrollment would fall short, absent racial preference, of the level needed to meet UT's educational goals. "Narrow

tailoring also requires that the reviewing court verify that it is 'necessary' for a university to use race to achieve the educational benefits of diversity." *Fisher I*, 133 S. Ct. at 2420. UT's own admissions statistics demonstrate that UT effectively achieved critical mass no later than 2003, the last year it employed its race neutral admissions plan, and certainly would have achieved critical mass without them by 2007, the year before Ms. Fisher applied for admission. The Fifth Circuit acknowledged the same by concluding that UT was short of critical mass only by deferring to UT's "good faith conclusion" to that effect. App. 212a.[8]

Further, where (as here) racial classifications have only a "minimal impact" in advancing the compelling interest, it "casts doubt on the necessity of using such classifications" in the first place and demonstrates that race-neutral alternatives would have worked about as well. *Parents Involved*, 551 U.S. at 734; *see also id.* at 790 (Kennedy, J., concurring). In 2008, after classifying 29,501 applicants by race, UT enrolled 216 African-American and Hispanic students through the race-affected AI/PAI analysis. App. 247a-49a (Garza, J.). Even assuming that race was a decisive factor for each student admitted outside the operation of the Top 10% Law, UT's use of race still could have accounted for, at most, approximately 3% of the in-state freshman class. App. 249a. But, in fact, race

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8. UT's own public statements provide confirmation that UT had reached critical mass. In 2000, UT announced that its program was enrolling minority students that performed better than ever before, and applauded the Top 10% Law for "helping to create a more representative student body and enroll students who perform well academically." JA 393a. In 2003, UT proudly announced that it had "effectively compensated for the loss of affirmative action." JA 396a.

was not decisive for many of the 216 "underrepresented" minority students. *See supra* at 10. UT does not measure or have any way of knowing how many applicants actually benefit from the consideration of race, *see supra* at 9, but the number is undoubtedly "tiny." App. 328a (Jones, J.)

Moreover, there are numerous other available race-neutral means of achieving the same result. UT could have intensified its outreach efforts to African-American and Hispanic admittees in the hopes of boosting their enrollment; uncapped the Top 10% Law, which UT has acknowledged would increase minority enrollment at least as much or more than the use of racial classifications in admissions decisions; and/or boosted African-American and Hispanic enrollment through any number of minor adjustments to its PAI calculus giving greater weight to socio-economic factors.

In contrast to the ease with which UT could increase racial diversity via race-neutral alternatives, using racial classifications to achieve minimal gains comes at an extraordinarily high cost. It "'demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.'" *Parents Involved*, 551 U.S. at 746 (quoting *Rice v. Cayetano*, 528 U.S. 495, 517 (2000)).[9] That is far too high a price to pay for any marginal benefit the use of racial preferences may confer on underrepresented minority students.

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9. The "mismatch" effects of racial classifications are also well-documented. *See Fisher I*, 132 S.Ct. at 2431-32 (Thomas, J concurring).

This Court's equal-protection decisions *should* have made clear to universities and lower courts that the use of race in admissions decisions is constitutionally disfavored and permissible only when no reasonably available non-racial alternative would advance the educational diversity interest about as well. Unfortunately, the *Grutter* decision was read by many as allowing the routine incorporation of race into admissions decisions as long as the system is "holistic" and no quotas or fixed-point pluses are used. As a consequence, racial preferences have become a standard element of admissions systems of universities throughout the country.

*Fisher I*, which stressed the importance of real strict scrutiny should have forced a hard second look at these practices. But the Fifth Circuit's validation of intra-racial diversity opened yet another escape valve for widespread use of racial preferences. The time now has come for a definitive rejection of UT's racial preferences. Doing so will send a clear signal to universities that they must pursue race-neutral alternatives and use race only as a last resort, and it will remind the lower courts that they must rigorously apply strict scrutiny in order to fulfill their responsibility to safeguard the right of all prospective students to equal protection of the laws.

## CONCLUSION

For the foregoing reasons, the judgment of the Fifth Circuit should be reversed.

Respectfully submitted,

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